

Sectt. Longton



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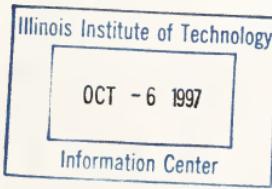
Illinois Register

Rules of Governmental Agencies

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Secretary of State

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1995
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (*the day before*).

* Monday

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Numbers: Proposed Action:
New Section
Amended
600.330
600.340
600.341
Amended
600.342
Amended
- 4) Statutory Authority: Section 8 of the Weights and Measures Act [225 ILCS 470/8]
- 5) A. Complete Description of the Subjects and Issues Involved: In Section 600.330, the Department is exempting a retroactive requirement of the National Institute of Standards and Technology (NIST) published in the NIST Handbook 44 regarding the following: NIST Handbook 44 will require all vehicle tank meters to be equipped with a ticket printer effective January 1, 1999. The Department, as well as the Illinois Petroleum Marketers Association (IPMA), opposes this NIST rule and believes it would be very costly to industry to comply with the requirement. IPMA indicates that customers have not expressed a preference of printed tickets over the hand prepared tickets and that customers generally trust marketers to deliver quality products in the quantity stipulated on the ticket.

The Grain Feed Association of Illinois has requested that the Department initiate rulemaking to delay the implementation of NIST Handbook 44, Section 5.56.(4) (a) Grain Moisture Meters, until January 1, 2000. Section 5.56.(4) of NIST Handbook 44 will require that any new grain moisture measuring device purchased after January 1, 1998 be NTEP approved. This will prohibit a grain elevator operator from purchasing the United States Department of Agriculture official meter which is not and cannot be NTEP approved. Some of the new NTEP approved devices will blank out at certain moisture and temperature ranges causing confusion between grain dealers and farmers. These issues should be resolved by January 1, 2000 allowing for an orderly implementation of the new code requirements. Grain dealers will be able to continue to purchase current models approved by the Illinois Department of Agriculture. Until the implementation of NIST Handbook 44, Section 5.56.(4), the applicability date for NIST Handbook 44, Section 5.56.(b) shall be extended and shall apply. The Illinois Farm Bureau has expressed its support of this amendment too.

Information in Sections 600-TABLE C and 600-TABLE F is being corrected.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes

8) Does this proposed amendment contain incorporations by reference? Yes

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Stakeholder Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking appears in the Illinois Register. Written comments should be sent to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4595

- 12) Initial Regulatory Flexibility Analysis:
A) Types of small businesses, small municipalities and not-for-profit corporations affected: petroleum delivery operators and grain elevator operators.
B) Recordkeeping or other procedures required for compliance: No additional requirements. The petroleum delivery operators will be exempted from a costly requirement of the National Institute of Standards and Technology Handbook 44 requiring all vehicle tank meters to be equipped with a ticket printer effective 1/1/99.
C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 1997
The full text of the proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER P: WEIGHTS AND MEASURES

PART 600

WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

Section National Institute of Standards and Technology Handbook 130

600.1.0	Definitions (Repealed)
600.2.0	Application (Repealed)
600.3.0	Identity (Repealed)
600.4.0	Declaration of Identity: Nonconsumer Package (Repealed)
600.5.0	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.6.0	Declaration of Quantity: Consumer Packages (Repealed)
600.7.0	Proclamation of Quantity: Nonconsumer Packages (Repealed)
600.8.0	Prominence and Placement: Consumer Packages (Repealed)
600.9.0	Prominence and Placement: Nonconsumer Package (Repealed)
600.10.0	Requirements: Specific Commodities, Packages, Containers (Repealed)
600.11.0	Exemptions (Repealed)
600.12.0	Variations to Be Allowed (Repealed)
600.13.0	Standards of Fill (Repealed)
600.14.0	Wholesale and Retail Exemption
600.15.0	Revocation of Conflicting Regulations (Repealed)
600.16.0	Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

Section Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C1: WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section Vehicle Scales Regulation

Fees

Scales Used for the Enforcement of Highway Weight Laws

National Institute of Standards and Technology Handbook 144

SUBPART D: MOISTURE METER TESTING

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

REGISTRATION OF SERVICE AGENCIES, SERVICES,
AND SPECIAL SELLERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

General (Repealed)	600.350
Testing and Inspection (Repealed)	600.360
Rejected Moisture Testing Devices (Repealed)	600.370
Use of Moisture Measuring Devices (Repealed)	600.380

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICES,
AND SPECIAL SELLERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

Section Policy (Repealed)	600.450
Definitions (Repealed)	600.460
Certification of Registrations (Repealed)	600.470
Types of Certificates (Repealed)	600.480
Examinations (Repealed)	600.490
Exemptions (Repealed)	600.500
Registration Fee (Repealed)	600.510
Reports (Repealed)	600.520
Bonds (Repealed)	600.530
Standards and Testing Equipment (Repealed)	600.540
Revocation of Certificate of Registration (Repealed)	600.550
Publication of Lists (Repealed)	600.560

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section Use of Gasoline Pumps which Are Not Capable of Computing the Prices Which Exceed \$9.9¢ Per Gallon	600.450
Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons	600.460
System Used to Sell Petroleum Product	600.470
Unit Price Per Gallon Displayed (Repealed)	600.480
Price of Gasoline	600.490
Unit Price Indicator: Set at One-Half Total Selling Price Decals or Stickers Affixed to the Pump Face	600.500
Information Sign Indicating Half Gallon Pricing of Gasoline Conversion Kits or Replacement Pumps: Deadline (Repealed)	600.510
Three-Wheel Computers Prohibited	600.520
One-Half Gallon Pricing Applicable to All Metering Pumps at Facility Stop Use Order: Hearing	600.530

SUBPART G: ADVERTISING OF THE PRICE OF LIQUID PETROLEUM PRODUCTS

Section Height and Width of Numbers	600.800
Advertised Price Complete	600.810
Advertising Other Commodities; Misleading Advertising Prohibited	600.820
	600.830

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 600. TABLE C Illinois Standard Weights and Measures

.

United States Linear Measure

12 inches (in.) = 1 foot (ft.)
3 ft. = yard (yd.) = 36 inches
5 1/2 yards = 1 rod (rd.) = 16 1/2 feet
320 rods = 1 mile (mi.) = 1760 yards = 5,280 feet

Chain Measure (Gunter's or Surveyor's Chain)

7.92 inches = 1 link (l.)
100 links = 1 chain (ch.) = 66 feet
80 ch. = 1 mile (mi.)
The engineer's chain is 100 feet long and consists of 100 links of 12 inches each. 52.8 chains = 1 mile.

Square Measure

144 square inches (sq. in.) = 1 square foot (sq. ft.)
9 sq. ft. = 1 sq. yard (sq. yd.)
5 1/4 sq. yard = 1 square rod (sq. rd.)
160 sq. rd. = 1 acre (a.)

Surveyor's Measure

625 square links (sq. l.) = 1 square rod (sq. rd.)
16 sq. rods = 1 square chain (sq. ch.)
10 sq. ch. = 1 acre (a.)
640 a. = 1 square mile (sq. mi.)
36 sq. mi. (6 mi. sq.) = 1 township (tp.) = 2,304 a.

Cubic Measure

1728 cubic inches (cu. in.) = 1 cubic foot (cu. ft.)
27 cu. ft. = 1 cubic yard (cu. yd.)

United States Liquid Measure

4 gills (g.) = 1 pint (pt.)
2 pt. = 1 quart (qt.) = 8 gills
4 qt. = 1 gallon (gal.) = 8 pints = 32 gills
31 1/2 gal. = 1 barrel (bbl.) = 126 quarts
2 bbl. = 1 hogshead (hhd.) = 63 gallons = 252 quarts

Apothecaries' Fluid Measure

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

60 minims (m.) = 1 fluid dram (fl. dr.)
8 fl. dr. = 1 fluid ounce (fl. oz.) = 480 minims
16 fl. oz. = 1 pint (p.) = 120 fl. dr. = 7,680 m.
8 fl. oz. = 1 gallon (cong.) = 128 fl. oz. = 1,024 fl. dr.

U.S. Dry Measure

2 pints (pt.) = 1 quart (qt.)
36 pints = 1 peck (pk.) = 16 quarts
5 1/2 pecks = 1 rod (rd.) = 16 1/2 pints
320 rods = 1 mile (mi.) = 1760 pints = 5,280 pecks

Avoirdupois Weight

27 11/32 grains (gr.) = 1 dram (dr.)
16 dr. = 1 ounce (oz.) = 437 1/2 grains
16 oz. = 1 pound (lb.) = 156 drams = 7000 grains
100 lbs. = 1 hundred weight (cot.) = 1600 pounds
20 cwt. = 1 ton (t.) = 2,000 pounds

Troy Weight

24 grains (gr.) = 1 pennyweight (dw.)
20 dw. = 1 ounce (oz.) = 480 grains
20 dw. = 1 pound (lb.) = 240 dwts. = 5,760 gr.
12 oz. = 1 pound (lb.) = 240 dwts. = 5,760 gr.

Apothecaries' Weight

20 grains (gr.) = scruple
3 scruples = 1 dram = 60 grains
8 drams = 1 ounce = 24 scruples = 480 grains
12 ounces = 1 pound (lb.) = 96 drams = 288 scruples = 5,760 grains

The Metric System

The metric system is based on a unit of length (the meter). A cubic box one-tenth of a meter on the side has the unit of capacity, a liter, and the water contained in a liter weighs one kilogram. The unit of weight, the gram, in the metric system is the weight of water contained in a cubic box one-hundredth of a meter on a side. (Note: These values are not precisely correct, but hold for all but the most refined measurements.) The entire system is then built up by multiplying or dividing the unit by ten, one hundred and one thousand, using always the same prefix to indicate what the unit is multiplied or divided by; thus:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

milli means 1/1000 or divided by 1000
 centi means 1/100 or divided by 100
 deci means 1/10 or divided by 10
 deca means 10 or multiplied by 10
 hecto means 100 or multiplied by 100
 kilo means 1000 or multiplied by 1000

The tables then become:

Length

10 milli-meters = 1 centi-meter
 10 centi-meters = 1 deci-meter
 10 deci-meters = 1 meter
 10 meters = 1 deka-meter
 10 deka-meters = 1 hecto-meter
 10 hecto-meters = 1 kilo-meter

Weight

10 milli-grams = 1 centi-gram
 10 centi-grams = 1 deci-gram

10 grams = 1 deka-gram
 10 deka-grams = 1 hecto-gram
 10 hecto-grams = 1 kilogram

Capacity

10 milli-liters = 1 centi-liter
 10 centi-liters = 1 deci-liter
 10 deci-liters = 1 liter (1 cubic deci-meter)
 10 liters = 1 deka-liter
 10 deka-liters = 1 hecto-liter
 10 hecto-liters = 1 kilo-liter

Area

100 sq. meters = 1 are.
 100 are. = 1 hectare
 100 hectares = 1 eq. kilometer

In the metric system there is but one standard of weight, one standard of measure for liquids and dry commodities alike, and but one standard of length.

(Source: Amended at 21 Ill. Reg. _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 600. TABLE P Equivalents to be used by Seller in Transposing Weights

Leverage or multiplication of scale 1 to 1.

1 dwt. = 1 scruple 4 gr.	7 oz. av. + 1/2 oz. + 1/4 oz.
2 dwt. = 2 scruples 8 gr.	+ 1/16 oz. + 1/16 oz. + 1/16 oz.
3 dwt. = 1 dr. 12 gr.	+ 24 gr. + 24 gr. + 24 gr.
4 dwt. = 1 1/2 dr. 6 gr.	+ 1 lb. av. + 15 oz. + 15 oz.
5 dwt. = 2 dr. 1 scruple 4 gr.	+ 1 1/16 oz. + 20 8 gr. + 16 4 gr.
6 dwt. = 2 dr. 2 scruples 8 gr.	+ 1 1/8 oz. + 1 1/8 oz. + 1 1/8 oz.
7 dwt. = 3 dr. 12 gr.	+ 1 1/4 oz. + 1 1/4 oz. + 1 1/4 oz.
8 dwt. = 3 dr. 12 gr.	+ 1 1/2 oz. av. + 1 1/8 oz. + 1 1/8 oz.
9 dwt. = 3 1/2 dr. 6 gr.	+ 1 1/16 oz. + 1 1/8 oz. + 1 1/8 oz.
10 dwt. wtr = 4 dr.	+ 1 1/16 oz. + 1 1/8 oz. + 1 1/8 oz.
20 oz. T. = 2 oz. av. + 1/8 oz. + 1/16 oz. + 3 gr.	+ 1 1/16 oz. + 1 1/8 oz. + 1 1/8 oz. + 6 gr.
4 oz. T. = 4 oz. av. + 1/4 oz. + 1/8 oz. + 6 gr.	+ 8 oz. T. = 8 oz. av. + 1/2 oz. + 1/4 oz. + 12 gr.
8 oz. T. = 12 oz. av. + 1/8 oz. + 1 1/8 gr.	+ 1 1/2 oz. + 1 1/8 oz. + 1 1/8 oz.
1 lb. T. = 12 oz. av. + 1/8 oz. + 1 1/8 gr.	+ 16 4 gr. + 16 4 gr. + 16 4 gr.

Leverage or multiplication of scale, 1 to 100

49 lb. flour weight =	7 oz. av. + 1/2 oz. + 1/4 oz.
98 lb. flour weight =	+ 1/16 oz. + 1/16 oz. + 1/16 oz.
196 lb. flour weight =	+ 24 gr. + 24 gr. + 24 gr.
60 lb. wheat weight =	+ 1 lb. av. + 15 oz. + 15 oz.
120 lb. wheat weight =	+ 1 1/16 oz. + 20 8 gr. + 16 4 gr.
180 lb. wheat weight =	+ 1 1/8 oz. + 3 gr. + 3 gr. + 1/8 oz.
300 lb. wheat weight =	+ 1 1/4 oz. + 12 oz. + 1/2 oz.
600 lb. wheat weight =	+ 3 lb. av. + 21.9 gr. + 6 lb. av.

Leverage or multiplication of scale, 1 to 55 1/3

24 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.	effective
40 lb. weight = 12 oz.	
80 lb. weight = 1 lb. 8 oz.	
Leverage or multiplication of scale, 1 to 66 2/3	
30 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.	
50 lb. weight = 12 oz.	
100 lb. weight = 1 lb. 8 oz.	

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

(Source: _____ Amended at 21 Ill. Reg. _____) _____ effective _____

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Access to and Eligibility For Child Welfare Services

2) Code Citation: 89 Ill. Adm. Code 304

3) Section Number(s): 101.4
Proposed Action:
Amend

4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Sections 2 and 21 of the Abused and Neglected Child Reporting Act [225 ILCS 5/1 and 5/2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act [42 U.S.C.A. 671 (a) (14)].

5) Complete Description of the Subjects and Issues involved: This Part broadly describes public child welfare services and the eligibility criteria for those services. The Department proposes amending this Part to incorporate provisions of Public Act 89-21 which restricts eligibility for Department services for delinquent minors age 13 and over to those who were already in the care of the Department at the time of the allegation or adjudication of delinquency. Also deemed ineligible for Department services are those minors locked out from the residence of their parent or guardian.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monceau, Station #65
Springfield, IL 62701-L498
217/544-1983

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TOD: 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: The Department has determined that this rulemaking does not affect small businesses.

B) Re-organization, reclassification or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER A: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section

304.1 Purpose
304.2 Definitions
304.3 Introduction to Child Welfare Services
304.4 Eligibility for Child Welfare Services
304.5 Access to Child Welfare Services
304.6 Decision Concerning Case Opening

AMENDMENT: Implementing and authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5); Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act (305 ILCS 5/2 and 2.1); Section 1.2 of the Juvenile Court Act of 1987 (705 ILCS 405/1-2); and the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671(a)(1)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1569, effective January 10, 1996; amended at 21 Ill. Reg. _____, effective January _____.

Section 304.4 Eligibility for Child Welfare Services

a) No Financial Eligibility

The family's income, assets or other financial resources do not affect whether a family is eligible for child welfare services. Instead, child welfare services are prioritized to the children and families who need them, who will benefit from them, and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

b) Children and Families the Department Must Serve

The Department must, by law, provide child welfare services to the following categories of children and families:

- 1) abused and neglected children and their families;
- 2) dependent children and their families;
- 3) children under the age of 13 who have been adjudicated delinquent and their families;
- 4) children for whom the Department already has court ordered legal responsibility who are subsequently adjudicated delinquent or

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Participation in this program is voluntary and at the discretion of the Agency.

6.) Will this proposed rule(s) replace an emergency rule currently in effect?

No

7.) Does this rulemaking contain an automatic repeal date? No

8.) Does this proposed rule(s) (amendment, repeal) contain incorporations by reference? No

9.) Are there any other proposed amendments pending on this Part? No

10.) Statement of Stakeholder Policy Objectives: "These proposed rules are required by Section 523 of the Act and do not create or enlarge a state mandate under Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]."

11.) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: An Illinois EPA hearing on the proposed regulations will be held on November 12, 1997, at 10 am, at the offices of the Illinois Environmental Protection Agency, 1340 N. 9th Street, Springfield, Illinois, TOW Conference Room. Questions or written comments concerning this rulemaking should reference EPA 407-97 and should be sent to:

John Williams
Agency Hearing Officer
Illinois Environmental Protection Agency
P.O. Box 19266
Springfield, Illinois 62794-9266

and

Laurel L. Kroack
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276

Written comments must be received by December 1, 1997, for inclusion in the hearing record.

12.) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: These rules are intended to implement a voluntary pilot program that allows companies or "sponsors" to propose

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a pilot project which may lessen regulatory requirements. Sponsors that elect to participate in and are accepted into the pilot program are expected to do so because it will result in some cost savings to them, generally in terms of paperwork reduction (e.g., recordkeeping and reporting requirements). In some cases, these sponsors may also experience cost savings due to alternative compliance with otherwise applicable environmental laws and regulations.

B) Record-keeping or other procedures required for compliance: The types of reporting, bookkeeping and other procedures required for compliance depends upon the nature of the individual pilot project proposed by its sponsor and agreed to by the Agency. The proposed revisions do not require that a sponsor maintain any additional records. However, sponsors will be required to keep records to demonstrate that they are in compliance with the terms of the EMSA to which they are subject, to demonstrate they are entitled to the flexibility afforded by the proposed rules.

C) Types of professional skills necessary for compliance: Uncertain. The types of professional skills depends upon the nature of the individual pilot project proposed by its sponsor and agreed to by the Agency.

D) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory Agendas, but was included on the July 1996 agenda.

The full text of the proposed rule begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

SUBTITLE A: GENERAL PROVISIONS

PART 185 REGULATORY INNOVATION PROJECTS

SUBPART A: PURPOSE; DEFINITIONS AND GENERAL PROVISIONS

Section 185.100 Purpose

185.100

Definitions

185.102

Relatives to Other Rules and Regulatory Innovation Programs

185.104

Correspondence

185.106

Public Access to Pilot Program Confidential Business and Trade Secret Information

185.108

Confidential Business and Trade Secret Information

SUBPART B: PARTICIPATION IN PILOT PROGRAM

SUBPART C: STAKEHOLDER INVOLVEMENT

Section 185.200 Nature and Duration of Pilot Program

185.202

Eligibility for Participation

SUBPART D: PROCEDURES

Section 185.300 Stakeholder Involvement

185.302

Stakeholder Group, Members

185.304

Sponsor Obligations

Section 185.400 Letter of Intent; Agency Response

185.402

Development of an EMSA

185.404

Public Notice, Comment and Hearing

185.406

Criteria for Approval of an EMSA

185.408

Execution of an EMSA

185.410

Performance Assurance

185.412

Modification of an EMSA

185.414

Termination of an EMSA

185.416

Renewal of an EMSA

AUTHORITY: Implementing and authorized by Section 52.3 of the Environmental Protection Act [415 ILCS 5/52.3].

SOURCE: Added at 21 Ill. Reg. _____ effective _____.

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SUBPART A: PURPOSE; DEFINITIONS AND GENERAL PROVISIONS

Section 185.100 Purpose

The purpose of this Part is to implement a voluntary pilot program pursuant to Section 52.3 of the Act by which persons regulated under the Act to implement innovative environmental measures, even if one or more of the terms of such agreements are inconsistent with otherwise applicable statutes or regulations of the State.

Section 185.102 Definitions

For purposes of this Part, the words and terms used in this Part shall have the meanings given below. Words and terms not defined in this Part, if defined in the Act, shall have the meanings ascribed in the Act.

"Act" means the Environmental Protection Act [415 ILCS 5/].

"Agency" means the Environmental Protection Agency established by the Act. (Section 3.08 of the Act).

"Director" means the Director of the Illinois Environmental Protection Agency.

"Environmental Management System" means the system by which an entity achieves continuous environmental improvement by integrating environmental management into on-going business planning and management performance, including, but not limited to, environmental management systems implementing ISO 14001 standard.

"Environmental Management System Agreement (EMSAs)" means the agreement between the Agency and a sponsor that describes the innovative environmental measures to be implemented, schedules for attaining goals, and mechanisms for accountability.

"Innovative Environmental Measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied.

"Pilot Program" means the program described in this Part that allows the use of EMSAs to promote innovative environmental measures.

"Pilot Project" means an innovative environmental project covering one or more designated facilities, designed and implemented in the form of an EMSA executed by the Agency and a sponsor in accordance with this Part.

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"Sponsor" means the proponent of a pilot project that enters into an agreement with the Agency.

Section 185.104 Relation to Other Rules and Regulatory Innovation Programs

- a) The provisions of this Part shall apply to any pilot project developed pursuant to section 52.3 of the Act.
- b) Nothing in this Part shall be construed to modify or alter any federal environmental statute or regulation applicable to a pilot project or its sponsor, owner or operator. An EMSA that seeks to modify or alter a federal environmental statute or regulation applicable to a pilot project or its sponsor, owner or operator must follow any procedures applicable under such law.
- c) No EMSA entered into by the Agency may allow a participant in the pilot program to cause air or water pollution or an unauthorized release in violation of the Act.
- d) Nothing in this Part shall be construed to affect any fees that a sponsor or an owner or operator of a facility covered by an EMSA may be subject to under any State or federal environmental statute or regulation.
- e) Nothing in this Section shall limit the authority or ability of a State's Attorney or the Attorney General to proceed pursuant to section 3(f)(1) of the Act or to enforce Section 44 or 44.1 of the Act, except that for the purposes of enforcement under Section 43(a), 44 or 44.1, an agreement shall be deemed to be a permit issued under the Act to engage in activities authorized under the Agreement. (Section 52.3-4(e) of Act)

Section 185.106 Public Access to Pilot Program Correspondence

The Agency shall record and maintain a list of all correspondence sent and received by the Agency relating to participation in the pilot program, and such information, to the extent it does not constitute confidential business or trade secret information, shall be made available for review by the public.

Section 185.108 Confidential Business and Trade Secret Information

No the extent practicable, the Agency shall not designate EMSA related data as confidential business or trade secret information. A sponsor must identify any information in a pilot project document, including an EMSA, that it claims constitutes confidential business or trade secret information, and must justify such claim in accordance with 35 Ill. Adm. Code 120 and 2 Ill. Adm. Code 1827.

SUBPART B: PARTICIPATION IN PILOT PROGRAM

Section 185.200 Nature and Duration of Pilot Program

- a) It is within the sole discretion of the Agency to enter into an EMSA for additional periods not to exceed 5 years per renewal.

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under this Part.

- b) The Agency may reject a proposed pilot project at any time prior to execution of an EMSA, and any review shall not be appealable.
- c) EMSAs under this Part must be initially executed on or before December 31, 2001. An EMSA executed on or before December 31, 2001, may, in the Agency's discretion, be renewed for additional periods not to exceed 5 years per renewal.

Section 185.202 Eligibility for Participation

- a) Except as provided in subsection (b) of this Section, any person may participate in the pilot program.
- b) The following persons shall not be eligible to participate in the pilot program:
 - 1) Any person that is the subject of a current environmental enforcement action under the Act or regulations promulgated thereunder, or has been the subject of an environmental enforcement action under the Act or regulations promulgated thereunder within the preceding year.
 - 2) Any person that has failed to renew any permit, or submit a complete Clean Air Act Permit program application, as may be required by the Act or regulations promulgated thereunder; and
 - 3) Any person that has failed to pay a required fee or penalty to the State of Illinois.
- c) In determining whether a person is eligible to participate in the pilot program, the Agency may consider the person's past environmental performance, including, but not limited to, previously adjudicated violations.

SUBPART C: STAKEHOLDER INVOLVEMENT

Section 185.300 Stakeholder Involvement

An EMSA shall provide for productive stakeholder involvement in a pilot project's development and implementation. The nature and extent of stakeholder involvement will be determined on a case by case basis, and will be fully described in an EMSA.

Section 185.302 Stakeholder Group, Members

- a) A stakeholder group assembled by a sponsor shall represent a cross-section of persons interested in a proposed pilot project, and may include, though need not be limited to, representatives from:
 - 1) Community groups, including citizen groups interested in environmental, economic or sustainable development issues;
 - 2) Economic and business groups, including trade associations and labor organizations;

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- 3) Academic institutions;
- 4) Religious organizations; and
- 5) Federal, State and local governmental entities.

b) Any person interested in a proposed pilot project who has not been selected by a sponsor to participate in the stakeholder group assembled for the proposed pilot project may so notify the Agency. The Agency shall consider this notification in determining whether to enter into an ENSA with the sponsor.

Section 185.304 Sponsor Obligations

- a) If a proposed pilot project is technically complex, the sponsor of the pilot project may be required to provide technical or other assistance, at the sponsor's expense, in order to promote informed participation by members of the stakeholder group. Any such technical assistance shall be provided by persons that are acceptable to both the sponsor and the stakeholder group.
- b) A sponsor of a pilot project shall establish, in cooperation with the stakeholder group, an ongoing communication process in order to keep the stakeholder group informed regarding the status of the pilot project. The process shall include, at a minimum, annual meetings and periodic distribution of performance information that clearly conveys the progress of the pilot project, problems that have been encountered and any corrective action that has been taken in response thereto. Information pertinent to the pilot project shall be communicated in a clear and understandable manner. Scientific and other complex information should be explained in a manner that provides for productive stakeholder involvement.

SUBPART D: PROCEDURES

Section 185.400 Letter of Intent; Agency Response

- a) In order to initiate the process of entering into an ENSA, the sponsor of a proposed pilot project shall submit a letter of intent to the Director that shall include:
 - 1) A general description of the proposed pilot project;
 - 2) Identification of each environmental statute, regulation and permit that is applicable to the proposed pilot project and any permit, appeals, variances, or adjusted standard deviations which are currently applicable to the proposed pilot project or are pending before the Illinois Pollution Control Board or a court;
 - 3) A statement by the sponsor regarding the compliance status of the proposed pilot project and its sponsor, owner and operator with all applicable State and federal environmental statutes and regulations. Any changes to the compliance status of the proposed pilot project and its sponsor, owner and operator during development of an ENSA must be promptly reported to the Agency;

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- and identification of persons or groups whom the sponsor believes should serve as members of the stakeholder group in the development and implementation of the proposed pilot project.
- b) The Agency shall respond in writing to a letter of intent within 60 days after receipt of such letter. Such response shall include a determination of whether the letter of intent contains the information required by subsection (a) of this Section, as well as a determination whether development of an ENSA for the proposed pilot project is warranted.

- 4) Identification of persons or groups whom the sponsor believes should serve as members of the stakeholder group in the development and implementation of the proposed pilot project.
- b) The Agency shall respond in writing to a letter of intent within 60 days after receipt of such letter. Such response shall include a determination of whether the letter of intent does not contain information required by subsection (a) of this Section, as well as a determination of whether the letter of intent identifies such information and provides the opportunity to revise and resubmit the letter of intent.
- 2) If the Agency determines that the proposed pilot project, as described in the letter of intent, does not warrant development of an ENSA, it shall state the basis for its decision.
- 3) If the Agency determines that the proposed pilot project, as described in the letter of intent, contains the information prescribed by subsection (a) of this Section and warrants development of an ENSA, it shall notify the sponsor that it may proceed with development of a draft ENSA.

Section 185.402 Development of an ENSA

- a) The Agency and the sponsor shall decide upon an acceptable development schedule for the ENSA and the proposed pilot project.
- b) A sponsor shall include:
 - 1) Identification of the sponsors;
 - 2) Identification of all State and federal environmental statutes and regulations applicable to the proposed pilot project and the owner or operator of the proposed pilot project;
 - 3) Identification of any State or federal environmental statutes and regulations which are inconsistent with the terms of the draft ENSA and would cease to be applicable should the ENSA be approved;
 - 4) A description of the innovative environmental measures being proposed as part of the pilot project;
 - 5) An explanation of the manner in which the proposed pilot project will achieve the stated purposes in subsection (b) of Section 52.1-1 of the Act;
 - 6) Identification of those members of the general public, representatives of local communities, and environmental groups who have an interest in the proposed pilot project;
 - 7) A description of the manner in which the ENSA will provide for productive involvement of the stakeholder group in the design and implementation of the proposed pilot project;

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8) A description of the measures or techniques that will be used to demonstrate ongoing compliance with the ENSA, including, at a minimum, an annual evaluation of the pilot project;

9) Terms and conditions for voluntary termination of the pilot project; and

10) An explanation of the manner in which statutory or regulatory environmental requirements that become applicable to the pilot project or its sponsor, owner or operator after the effective date of the ENSA shall be addressed.

b) Upon submittal of the initial draft ENSA, a sponsor shall provide an executive summary of the initial draft ENSA and proposed pilot project described and submitted in accordance with subsection (b) of this Section to the following persons and inform them that they may obtain the complete document from either the Agency or the sponsor:

- 1) Members of the Illinois General Assembly representing the legislative district in which the pilot project is located;
- 2) The Illinois Attorney General; and
- 3) The State's Attorney of the county in which the pilot project is located.

b) A sponsor shall provide notice, by publication in a newspaper of general circulation in the area in which the proposed pilot project is located, that it has submitted an initial draft ENSA for consideration by the Agency. Such notice shall include a statement that interested persons may contact the sponsor to request that they be named to the stakeholder group in the development and implementation of the proposed pilot project. The notice shall be provided within 7 calendar days from the date the initial draft ENSA has been submitted to the Agency in accordance with subsection (b) of this Section.

c) The Agency shall give preference to and allow greater incentives in an ENSA for pilot projects that include provisions for operating sustainably through continuous improvement in products and processes; Desirable components of a pilot project include, but are not limited to, the following:

- 1) Incorporating source reduction into core business practices;
- 2) Avoiding the production of waste and pollution in products and processes;
- 3) Accounting for total environmental impact throughout the life cycle of products and services;
- 4) Improving efficiency in the use of raw materials, energy, water or other resources;
- 5) Employing planning processes or techniques to identify source reduction and product stewardship opportunities;
- 6) Training and encouraging employees to identify opportunities for environmental improvement;
- 7) Protecting and enhancing natural resources; and
- 8) Ensuring that information and reporting systems track progress toward goals and document improvements;

b) The Agency shall encourage the development and use of environmental

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Management Systems as part of a pilot project.

c) The Agency shall reject proposed pilot projects that generate adverse environmental consequences, particularly those stimulating intermediate pollutant transfers without providing a net environmental gain.

Section 185.404 Public Notice, Comment and Hearing

Prior to entering into an ENSA, the Agency shall provide notice to the public, including an opportunity for public comment and hearing in accordance with the procedures set forth at 35 Ill. Adm. Code 164. All costs associated with such notice, comment and hearing shall be paid by the sponsor of the proposed pilot project. Public comments on a proposed pilot project and an ENSA may be submitted to the Agency at any time prior to the public notice and comment and hearing provided for at 35 Ill. Adm. Code 164.

Section 185.406 Criteria for Approval of an ENSA

a) In accordance with Section 52.3-1 of the Act, the Agency may only approve an ENSA if the sponsor demonstrates that the proposed pilot project would:

- 1) Achieve emissions reductions or reductions in discharges or wastes beyond the otherwise applicable statutory and regulatory requirements through pollution prevention or other suitable means; or
- 2) Achieve real environmental risk reduction or foster environmental compliance by other persons regulated under the Act in a manner that is clearly superior to the existing regulatory means.

b) An ENSA under this Part shall contain adequate provisions to ensure that its terms and conditions are performed by the sponsor. Performance of the terms and conditions of an ENSA must be measurable, auditable, and verifiable, and shall be monitored, documented and reported by a sponsor in a clear and complete manner.

Section 185.408 Execution of an ENSA

a) An ENSA developed in accordance with this Part, and which has been approved by the Director, shall become effective upon signature by the sponsor and the Director.

b) An ENSA shall operate in lieu of all applicable environmental requirements under Illinois statutes, regulations, and existing permits that are identified in the ENSA. Any environmental statute, regulation or condition in existing permit that differs from a term or condition in an ENSA shall cease to apply from the effective date of an initial or renewed ENSA until it is terminated or expires.

c) An ENSA executed in accordance with this Part shall be made publicly available and shall be distributed to all members of the stakeholder group.

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Section 185.410 Performance Assurance

a) The Agency is authorized to monitor compliance with the EMSA and may access and enter the facilities, buildings or property that are the subject of the pilot project for purposes of monitoring compliance, and to require such recordkeeping and reporting as it deems appropriate, including a final report assessing the environmental, regulatory and economic results of the pilot project.

b) The sponsor of an EMSA shall specify the manner in which performance of the terms and conditions of an EMSA shall be assured. The Agency contains shall consider the following in determining whether an EMSA contains adequate provisions to assure performance:

- 1) The technical complexity of the proposed pilot project;
- 2) The environmental risk associated with the proposed pilot project; and
- 3) The uncertainty that the proposed innovative environmental measures authorized by the EMSA will be successful.

c) A sponsor's performance of the terms and conditions of an EMSA shall be assessed not less than annually, and such assessment may include an evaluation of the sponsor's performance by a third party acceptable to the Agency and qualified to make such an evaluation.

d) Notification of Nonperformance

- 1) A sponsor shall notify the Agency and all members of the stakeholder group of any nonperformance of a term or condition of an EMSA. A notification under this subsection (d) shall include a description of any activity performed by the sponsor to cure or mitigate the effects of the nonperformance.
- 2) The Agency shall investigate and monitor a sponsor to determine whether the sponsor has responded adequately to any nonperformance, and shall notify all members of the stakeholder group of the results of its investigation.
- 3) Upon identification of nonperformance of the terms or conditions of an EMSA, the Agency may, consistent with this Part, enforce the terms of such EMSA.
- 4) An EMSA may contain provisions for alternative dispute resolution.

Section 185.412 Modification of an EMSA

a) An EMSA executed under this Part may be amended by mutual agreement between the Agency and a sponsor, provided all members of the stakeholder group have received prior written notice and an opportunity to comment on a proposed modification to the EMSA.

b) Either the Agency or a sponsor may request modification of an EMSA at any time. If an agreement cannot be reached on a proposed modification within 60 calendar days, either party may initiate proceedings to terminate the EMSA.

Section 185.414 Termination of an EMSA

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Termination by the Agency

- 1) In the case of deficient performance of any term or condition in an EMSA that prevents achievement of the stated purposes in subsection (b) of Section 52.3-1 of the Act, the agency may terminate the agreement and the participants may be subject to enforcement in accordance with the provisions of Section 31 or 42 of the Act. (Section 52.3-4(b) of the Act)
- 2) If the agreement is terminated, the owner or operator of a pilot project shall have sufficient time to apply for and receive any necessary permits to continue the operations in effect during the course of the EMSA. Any such application shall be deemed a timely and complete application for renewal of an existing permit under applicable law. (Section 52.3-4(c) of the Act)
- 3) The Agency shall follow procedures for involuntary termination established by the Board.

Section 185.416 Renewal of an EMSA

a) The Agency's authority to execute initial EMSAs under the Act and this Part shall expire on December 31, 2001. An initial agreement may be renewed for additional periods of up to 5 years after December 31, 2001, if the Agency finds the EMSA continues to meet applicable requirements and the purpose of Section 52.3-1 of the Act. In determining whether to renew an EMSA initially executed prior to December 31, 2001, the Agency shall consider all relevant factors, including but not limited to:

- 1) The environmental, regulatory and economic results of the EMSA project during the initial term of the EMSA;
- 2) The likelihood that renewal of the EMSA will advance the purposes of Section 52.3-1 of the Act; and
- 3) Stakeholder satisfaction with the pilot project.

b) It shall be within the sole discretion of the Agency to renew an EMSA initially executed prior to December 31, 2001, and its decision shall not be appealable.

c) Prior to renewing an EMSA under this Section, the Agency shall comply with the public notice, comment and hearing provisions of Section 185.404 of this Part.

d) A sponsor requesting to renew an EMSA shall submit its renewal application to the Agency no later than 6 months prior to the expiration of the initial EMSA. The Agency shall have 60 days after receipt to accept or reject a renewal application. The Agency is

ENVIRONMENTAL PROTECTION AGENCY:

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Failure to notify an applicant that it has accepted a renewal application shall be deemed a rejection of the renewal application. If the Agency rejects the renewal application, the pilot project and its owner or operator shall be in compliance with all environmental laws, regulations and ordinances applicable to the pilot project and its owner or operator within 6 months after expiration of the initial EMSA.

1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel

2) Code Citation: 41 Ill. Adm. Code 140

3) Section Number: Proposed Action:
140.15
140 Amendment
140.20
140.300 Amendment
140.310 Amendment
140.320 Amendment
140.325 Amendment
140.350 Amendment
140.500 Amendment

4) Statutory Authority: 50 ILCS 740/0 and 20 ILCS 2910/1

5) A. Complete Description of the Subjects and Issues Involved: P.A. 90-20 changed the dates for reimbursement funding from the State Fiscal Year to a period determined by the Office of the State Fire Marshal; the Office proposes to use a calendar year for funding. Since the Office has already reimbursed local governments for training through June 30, 1997, the Office will utilize half year for claim forms due in March for training performed July 1, 1997 through December 31, 1997. The following years will be by full calendar years as opposed to the State Fiscal Year. The Office also is increasing the fee for special examinations from \$100 to \$300 per examination to more accurately reflect the cost of such examinations.

6) Will the proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic referral date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This amendment does not impose any mandate upon local governments or small businesses. It will enable local governments to have two months to prepare their claims as opposed to 3 weeks under current rules. The increase in fees is to recoup costs associated with giving of special examinations; there are no fees for regularly scheduled examinations.

11) Time, Place and Manner in which interested parties may comment: On this proposed rulemaking: The Office will accept written comments for a period

OFFICE OF THE STATE FIRE MARSHAL

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of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703-4259
(217) 785-0301

12) Initial Regulatory Flexibility Analysis:

A) Types of Small Businesses and Municipalities Affected: Municipalities that are participating for reimbursement funding from the Office of the State Fire Marshal.

B) Re-Ordering, bookkeeping, or other procedures required for compliance:
No new requirements.

C) Types of Professional Skills necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The rulemaking was not anticipated at the time the most recent agenda was published.

The full text of the proposed amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 140
POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

Section

140.1 Authority Notes

140.2 Definitions

140.3 Applicability of Part 140

140.4 Program Goals (Repealed)

140.5 State Examinations

140.6 Division Responsibilities (Repealed)

140.7 Training Requirements Required for Certification as a Provisionally Approved

140.8 Training Facility

140.9 Resources Required for Certification as an Unlimited Training

140.10 Facility or Regional Training Centers

140.11 Division Responsibilities (Repealed)

140.12 Resources Required for Certification as an Unlimited Training

140.13 Certificates Earned by Bypass Examination

140.14 Course Approval

140.15 Examination Procedures for End-of-Course Exams Not Administered by

the Office

140.16 Course Approval Equivalency

140.17 Course Approval Standards

140.18 Course Approval Sequence (Repealed)

140.19 Developmental Sequence I (Repealed)

140.20 Certified Firefighter I (Repealed)

140.21 Certified Firefighter II

140.22 Airport Firefighter

140.23 Certified Firefighter III

140.24 Certified Fire Apparatus Engineer

140.25 Fire Officer I

140.26 Fire Officer II

140.27 Fire Officer III

140.28 Instructor (Repealed)

140.29 Intern Instructor

140.30 Special Instructor (Repealed)

140.31 Fire Service Instructor I

140.32 Fire Service Instructor II

140.33 Fire Service Instructor III

140.34 Fire Service Instructor IV

140.35 Airport Firefighter (Repealed)

140.36 Fire Prevention Officer

140.37 Public Fire and Life Safety Educator II

140.38 Public Fire and Life Safety Educator III

140.39 Bypass Examination

140.40 Fire Investigator

140.20 Arson Investigator

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140.215 Fire Inspector II
 140.220 Fire Inspector III
 140.225 Hazardous Materials First Responder-Awareness
 140.230 Hazardous Materials First Responder-Operations
 140.232 Hazardous Materials Technician
 140.234 Chemistry of Hazardous Materials
 140.236 Hazardous Materials Refresher Training
 140.238 Hazardous Materials Incident Command
 140.240 Rescue Specialist-Roadway Extrication
 140.241 Confined Space/French Rescue Awareness
 140.242 Rescue Specialist-Confined Space
 140.243 Rescue Specialist-Trench I
 140.245 Rescue Specialist-Vertical I/Ropes and Rigging
 140.246 Rescue Specialist-Vertical II/High Angle
 140.250 Hazardous Materials Specialist (Repealed)
 140.250 Rules and Regulations for Reimbursement Funding
 140.305 Prerequisites for Participation for Reimbursement Funding
 140.310 Requirements
 140.315 Claim Forms
 140.320 Amount of Reimbursement
 140.325 Appropriations
 140.350 Advanced Training Programs
 140.360 "Repeating Hours" (Repealed)
 140.380 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding
 140.390 Advisory Committees
 140.400 Invalidation of a Student's State Examination Score
 140.420 Appeals Process

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [50 ILCS 2910].

SOURCE: Adopted at 3 Ill. Reg. 377, p. 168, effective September 15, 1979; effective at 5 Ill. Reg. 1061; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1983; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2365, effective February 6, 1983; amended at 7 Ill. Reg. 12944, effective February 23, 1984; amended 10 Ill. Reg. 331, effective February 20, 1986; amended at 11 Ill. Reg. 1708, effective October 8, 1987; at 14 Ill. Reg. 19183, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 11181, effective June 29, 1993; for a maximum of 150 days; emergency expired on November 26, 1993; amended at 18 Ill. Reg. 12996, effective August 8, 1994; amended at 21 Ill. Reg. 821, effective July 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

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Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

a) Fire Departments must submit "Course Approval Form" once each five years, with the exception of Rescue Specialist. (See Section 140.241, 242, 243, 245, 246.) New forms must be submitted if:

- A new Fire Chief is employed, or
- Additional course or courses are added to the training schedule.

b) Forms are due January 1 and must be renewed by June 30 December—31 of the fifth year following approval. Approvals not renewed by June 30 December—31 will not be approved for that calendar fiscal year. Reimbursement funding and examinations will not be honored until the course approval is renewed the following fiscal year.

c) Courses will be granted on a fiscal-year calendar year. Fiscal year-end-on-June-30.

d) Colleges, organizations, institutions and companies:

- 1) "Course Approval Form" must be submitted once every five years with accompanying materials:
 - A) appropriate course correlation form
 - B) syllabi and course content; end-of-course exam; name and credentials of instructor
 - C) end-of-course exams, course syllabi, and content shall be correlated to the Office established objectives.
- 2) Course approval extension forms may be used for the next four years if no changes are made in previously approved course offerings. Approval will be granted upon proof of the following: experience, education, and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.
- 3) Course completion rosters must be submitted to the Office listing individuals who successfully completed course.

e) The Office reserves the right to monitor and evaluate the delivery of all Approved Courses, including the following requirements:

- 1) Provide for records of student attendance (i.e., a minimum of 80 per cent is required) and for student evaluations of the course.
- 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
- 3) The length of time required to retain training records shall be determined by the local government based on their Records Retention schedule, but shall be retained for at least five years.

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for audit purposes.

4) Maintain complete student records of course completion and test scores.

- A) If a course involves college credit, the student's transcript is the complete student record.
- B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the division at the completion of the course.

5) Allow division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.

6) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 140.20 Requirements for Participation

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to the rules and regulations of the Office. Units of local government and individuals may elect to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

a) The local government agency must pass an Ordinance agreeing to participate if reimbursement funding is to be sought.

1) The Office will provide the governing body with a copy of a model Ordinance upon request.

2) For participation for reimbursement funding, each local governmental agency must pass an Ordinance requiring trainees to be certified at the Firefighter II level by the end of the probationary period. The ordinance must state the length of the probationary period. A certified copy of the required Ordinance must be sent to the Office.

A) Local governmental agencies under Sections 10-7-7 and 10-2-4 of the Illinois Municipal Code (65 ILCS 5/10-7-7 and 10-2-4) are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.

B) All local governmental agencies which participate for reimbursement funding and file a certified copy of the required Ordinance shall be eligible for reimbursement funding from the date a certified copy of the Ordinance is received by the Office. Reimbursement funding for trainees received by the Office.

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and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of Ordinance.

- C) Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his/her probationary period ends. The individual may later become certified without reimbursement.
- 3) Personnel who are department members prior to the date of the Ordinance are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement funding is available for such training for three years from the date that a certified copy of the Ordinance is filed with the Office.
- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government which participates for reimbursement and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.
- 5) Individuals and departments may participate in all aspects of the programs for certification without passing the Ordinance. The Ordinance is required, however, to qualify an agency to receive reimbursement funding.
- 6) The Board of Police and Fire Commissioners, or the Civil Service Commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file a copy of their rules which require such certification prior to commencing regular employment as a firefighter with the Office. Any subsequent changes to the rules must be sent to the Office.
- b) Facility Approval
- 1) A department must have a Provisionally Approved Training Facility to offer Firefighter III training. See Section 140.11.
- 2) A department must have an Unlimted Approved Training Facility to offer Firefighter III training. See Section 140.12.
- 3) A department must have Unlimted Facility Approval to operate as a regional training center.
- 4) A department may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.
- c) Instructor Certification. See Sections 140.110, 140.130, 140.140, 140.150 and 140.160.
- d) Course Approval. See Section 140.15.

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(Source: Amended at 21 Ill. Reg. _____) effective

Section 140.300 Rules and Regulations for Reimbursement Funding

a) The Illinois Fire Protection Training Act--as-amended (the "Act"), efft:Rev-State-1985-Ehr-Bayper-864 [5 ILCS 740] mandates the Office to reimburse "local governmental agencies or individuals participating in the training program in an amount equaling 1/2 of the sum total paid by them during the period established by the Office previous fiscal year for tuition at training schools, salary of trainees while in school, necessary travel expenses and room and board for each trainee." In addition to reimbursement for trainees, the Office in each year shall reimburse the local governmental agencies participating in the training program for permanent fire protection personnel in the same manner as trainees for each such training program."

b) Section 10 Paragraph 549 of the Act also specifies that in the event that the annual appropriation for the reimbursement funding is insufficient to pay reimbursement in full (i.e., at the 50 percent level), "the appropriation shall be apportioned among the participating local governmental agencies." Further, "no local government agency which shall alter or change in any manner any of the training programs as promulgated under this Act or fail to comply with rules and regulations promulgated under this Act" shall be entitled to receive any matching funds under this Act."

c) Section 9 Paragraph 559 of the Act mandates that local governmental agencies "shall require by ordinance that a trainee complete a basic course approved by the Office, and pass the State test for certification at the basic level within the probationary period as established by the local governmental agency" as a prerequisite to participate for reimbursement funding. "A certified copy of the ordinance must be on file with the Office."

(Source: Amended at 21 Ill. Reg. _____) effective

Section 140.310 Requirements

The Office defines the minimum basic requirement to be completed by a recruit or trainee prior to becoming a permanent member of the fire department to be the Certified Firefighter II level. All local governmental agencies electing to participate for reimbursement funding must have firefighter trainees certified at the Firefighter II level by the end of their probationary period. The probationary period will be determined by the local governmental agency. The failure of any trainee to complete Firefighter II certification within the required probationary period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that

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individual in the calendar fiscal year in which his probationary period ends. The individual may later become certified without reimbursement.

(Source: Amended at 21 Ill. Reg. _____) effective

Section 140.320 Claim Deadline

Municipalities, Fire Protection Districts and individuals are encouraged to submit claims as soon as possible after the successful completion of any reimbursable training.

a) Claims for reimbursement can be made only for training within dates specified by the Office and may not include prior or subsequent training.

b) For a calendar fiscal year (January 1 - December 31) (atty-t----dune 398), the deadline for the receipt of claim forms is 5:00 p.m. on February 28 (atty-2).

c) In the event that February 28 (atty-2) falls on a Saturday or Sunday, the claim forms must be received by the Office by 5:00 p.m. on the next business day preceding Friday.

d) Claim forms must be received by the Office, and not mailed, by the specified date. Any claim forms arriving after the deadline date will not be processed for reimbursement and will be denied.

e) Claims for trainings from July 1, 1997 to December 31, 1997 must be submitted by March 2, 1998.

(Source: Amended at 21 Ill. Reg. _____) effective

Section 140.325 Amount of Reimbursement

The Office will reimburse up to 50 percent of the following costs:

a) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (Local Government Agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.

2) The formula for computing a trainee's hourly salary is generally salary divided by the number of hours for which paid. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above definition.

3) If there is a variation in an individual's salary or between firefighters of equal grade, the claimant should explain these variations on the claim form, e.g.,
A) Promotion 100 hours @ \$4.65

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B) 1 1/2 time overtime
OR
50 hours @ \$5.28
100 hours @ \$4.65
50 hours @ \$6.98

b) Tuition and/or registration fees.

c) Food, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.

d) Transportation costs, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.

1) If the course is five or more consecutive days and lodging is available (availability means that hotels, motels, dormitories, or other sleeping facilities may be hired for overnight lodging in the nearby vicinity), the Office will reimburse for one round trip to the training center per week for the duration of the course.

2) If the course is offered on non-consecutive days, the Office will reimburse round trip transportation costs for each day on consecutive days (e.g., Saturday and Sunday) and overnight lodging is available, the Office will reimburse for only one round trip per consecutive day period (e.g., six round trips for a course offered on six consecutive weekends).

A) If the travel distance is less than 50 miles, the Office will only reimburse for each round trip.

B) If the travel distance is 50 miles or greater and lodging is available, the Office will reimburse for one round trip and lodging costs per consecutive day period.

4) When more than one person from a department shares a ride to a training location with another individual, reimbursement will be provided for only one vehicle (i.e., reimbursement for mileage will only be provided for one person when two or more persons travel together, as in car pools).

e) Lodging, not to exceed lodging costs approved by the State Travel Regulations as promulgated by the Governor's Travel Control Board.

f) The Office will reimburse for other expenses in the amount authorized for Office employees by the State Travel Regulations as promulgated by the Governor's Travel Control Board, or the amount requested by the Local governmental agency or individual whichever is less.

g) For the figures in effect for a given calendar ~~first~~ year, individuals, municipalities and Fire Protection Districts should contact the Office for a copy of the applicable travel regulations promulgated by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800), or their successors, for the calendar ~~first~~ year.

(Source : Amended at 21 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

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Section 140.350 Appropriations

In accordance with the enabling legislation, in the event that the appropriation for reimbursement for training of fire protection personnel is insufficient to meet all claims at the 50 percent level, all claims will be reduced proportionately and all claims will be paid in the same proportion. No more than 50 percent of the reimbursement distributed to local governmental agencies in any ~~calendar~~ ~~first~~ year shall be distributed to local governmental agencies of more than 500,000 persons.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 140.500 Fees

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

Approval Review of Facilities (Sections 140.11 and 140.12)	\$ 0.00
Administering Examinations, per examination (Section 140.12)	\$ 0.00
Review of equinency courses (Section 140.18)	0.00
Review of Course Approval Requests (Section 140.15)	0.00
Fee for Certificates (all training levels)	0.00
Fee for special examinations not on regular schedule	300.00 to ⁺ 0.00

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Dietetic and Nutrition Services Practice Act

Code Citation: 68 Ill. Adm. Code 1245

Proposed Action:

Amendment

New Section

4) Statutory Authority: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30]

5) A. Complete Description of the Subjects and Issues Involved: Various changes were necessitated after the implementation of the Act as the Dietetic and Nutrition Practices Board has recognized the need for further definition and classification. In addition, provisions are being added for continuing education, professional conduct standards, and for restoration of licensees.

6) Will these proposed amendments replace existing rules currently in effect? No

7) Does this rulemaking contain an automatic renewal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Stakeholder Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62796
217/785-0913

All written comments received within 45 days after this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

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A) Terms of small businesses, small municipalities and not for profit corporations affected: Businesses providing dietetic or nutrition services.

B) Reporting, bookkeeping, or other procedures required for compliance: Licensees will be required to maintain records of their completed C.R.

C) Types of professional skills necessary for licensure: Dietetic and nutrition skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS
 PART 1245
 DIETETIC AND NUTRITION SERVICES PRACTICE ACT

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

SUBPART A: DEFINITIONS

SUBPART B: DIETITIAN

SUBPART C: NUTRITION COUNSELOR

SUBPART D: GENERAL

SUBPART A: DEFINITIONS

Section 1245.10 Definitions

"Act" means the Dietetic and Nutrition Services Practice Act [P.A. 97-704] effective January 1, 1997 [225 ILCS 30].

"Board" means the Dietetic and Nutrition Services Practice Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Direct Supervision" means supervision by a licensed dietitian, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240 of this Part. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour each week;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Licensed dietitian" means a person licensed by the Department to practice dietetics as defined in Section 10 of the Act. Dietetics includes all aspects of nutrition care for individuals and groups, including, but not limited to, nutrition assessment, nutrition counseling, nutrition education, nutrition services and medical nutrition care. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual.

"Licensed nutrition counselor" means a person licensed by the Department to provide nutrition services as defined in Section 10 of the Act. Nutrition services include, but are not limited to, nutrition assessments, nutrition counseling, activities of a licensed nutrition counselor and nutrition consultation. Activities of a licensed nutrition counselor do not include medical nutrition care and do not include the medical differential diagnoses of the health status of an individual.

"Medical nutrition care" means the component of nutrition care that

Section	Application for Licensure as a Dietitian Under Section 60(a) of the Act (grandfather)	Under Section
1245.100	Application for Licensure as a Dietitian Under Section 60(a) of the Act (grandfather)	
1245.110	Application for Examination/Licensure	
1245.120	Examination for Examination/Licensure	
1245.130	Approved Programs in Dietetics	
1245.140	Experience	
1245.150	Endorsement	
1245.160	Restoration	

SUBPART C: NUTRITION COUNSELOR

Section	Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (grandfather)	Under Section
1245.200	Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (grandfather)	
1245.210	Application for Examination/Licensure	
1245.220	Examination for Examination/Licensure	
1245.230	Approved Programs of Nutrition Counselors	
1245.240	Experience	
1245.250	Endorsement	
1245.260	Restoration	

SUBPART D: GENERAL

Section	Renewal
1245.300	Continuing Education
1245.310	Interactive Status
1245.320	Professional Conduct
1245.330	Granting Variances
AUTHORITY:	Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

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"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups to determine nutrient needs or status and make appropriate nutrition recommendations. The mere collection of nutrition and health data is not nutrition assessment and does not require licensure under the Act, unless activities include an evaluation of nutrition needs and nutrition recommendations.

"Nutrition care" means a dietary intervention whose primary function is to improve an individual's nutrition status and involves modification to meet individual needs. Provision of food for general sustenance of being is not construed as nutrition care and not subject to regulation under the Act and this Part.

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition information by integrating information from the nutrition assessment. The distribution by an individual of written nutrition educational material received by or stored in written by a licensee is not nutrition counseling or nutrition education and any person distributing such written material need not be licensed under this Act.

"Nutrition education" means a planned nutrition program based on learning objectives with expected outcomes.

"Nutrition information" is oral or written factual data that includes:

- Food sources of vitamins, minerals and nutrients;
- Nutrient analysis of food, food items, recipes and menus;

Reporting the results of published scientific studies as long as the source is cited and recommendations are general in nature and are limited to those included in the published study;

Instruction and uses of food, dietary supplements and food material consistent with State and Federal laws (i.e., Federal Food and Drug Administration, Department of Public Health) and

The display or distribution of printed, audio or video nutrition education information developed by a licensee, an entity of any

federal, state or local government, or any nonprofit organization as outlined in Section 20(D) of the Act.

All health claims shall be consistent with the Federal Food and Drug Administration regulations.

Individuals are not required to be licensed to provide nutrition information; however, the evaluation of an individual's or group's dietary intake and/or recommendation for dietary changes must be performed by a registered dietitian.

"Registered dietitian" means a person registered with the Commission on Dietetic Registration.

"Restorative care to obtain optimal health" relates to the use of foods, nutrients and/or dietary supplements for individuals or groups who may not have a diagnosed disease or medical condition, as long as it is not medical nutrition therapy. If a person has a diagnosed disease or medical condition and is on a medically prescribed diet, a licensed nutrition counselor shall be limited to use of foods, nutrients and/or dietary supplements so as not directly impact or contraindiate the diagnosed disease or medical condition of the individual or group.

"Supervision" means supervision by a licensed dietitian, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Treatment protocol" is any nutrition intervention designed for an individual or group with a specific medical diagnosis using foods, nutrients and/or dietary supplements so as to directly and specifically impact the medical condition and health status of the individual or group.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: DIETICIAN

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Section 1245.160 Restoration

a) Any dietitian whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 155 of the Act and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.

b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 85 of the Act and 20% of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall submit:

1. Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active service.
2. An affidavit attesting to military service as provided in Section 95 of the Act.
3. Proof of passage of the ADACDR examination for dietitians during the period the licensee was issued or on inactive status.
4. Current "Registered Dietitian" status from the Commission on Dietetic Registration.
5. When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department, because of a lack of information, discrepancies or conflicts in information, or a need for clarification, the licensee seeks in restoration shall be requested to:

 1. Provide such information as may be necessary; and/or
 2. Answer for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

6. Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Specialists-with-the-American-Board-of-Nutrition

b) The passing score on the examination shall be the passing score of the testing only.

c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction shall be required to submit proof to the Department of the completion of 6 semester hours of nutrition course work as set forth in Section 145.230(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of an appropriate supervisor as defined in Section 1245.240(a).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1245.260 Restoration

a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 95 of the Act and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.

b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 85 of the Act, and proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall submit:

1. Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active service.
2. An affidavit certifying to military service as provided in Section 62 of the Act.
3. Proof of passage of the Department-authorized examination for nutrition counselor. During the period the licensee was issued or on inactive status.
4. When the accuracy of any submitted documentation or the relevance or sufficiency of a lack of information, discrepancies or conflicts in information, or a need for clarification, the licensee seeks in restoration shall be requested to:

 1. Provide such information as may be necessary; and/or
 2. Answer for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

d) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: NUTRITION COUNSELORSection 1245.220 Examination

a) The examination for licensed nutrition counselors shall be the examination authorized by the Department, administered by the Department and provided by the Certification Board for Nutrition

Specialists-in-nutrition. The Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

b) Provide such information as may be necessary; and/or

c) Answer for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

d) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

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the reason for denying the application.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL

Section 1245.300 Renewal

a) The first renewal period for licenses issued under the Act shall be October 31, 1999. Thereafter, every license issued under the Act shall expire October 31 of odd-numbered years. Beginning with the October 31, 1999 renewal, and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1245.310 of this Part.

The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 21 Ill. Reg. _____)

Section 1245.310 Continuing Education

a) Continuing Education Hours Requirements

1) Beginning with the October 31, 1999, license renewal, and every renewal thereafter, every licensee who applies for renewal of a license as a dietitian or nutrition counselor shall complete 30 hours of continuing education (CE) relevant to the practice of dietetics or nutrition services.

2) A licensure period is the 24 months preceding October 31 of each odd-numbered year.

3) One CE hour credit may be given in one half hour increments. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour, 14 CE hours for each trimester hour and 10 CE hours for each quarter hour of school credit awarded.

4) A licensed applicant shall not be required to comply with CE requirements of the first renewal of an Illinois license.

5) Requirements of the first renewal in other states shall comply with the CE requirements set forth in this Section.

6) Dietitians and nutrition counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

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requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

Approved Continuing Education Hours

- b) Approved Continuing Education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at participation in a seminar or course program that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.
- 1) CE credit may be earned through postgraduate training programs (extern, residency or fellowship programs) or completion of dietetic or nutrition services related courses that are part of the curriculum of a college or university.
- 2) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school or dietetics program in accordance with Section 1283.130 or services approved in accordance with Section 1283.230 and as an instructor of continuous education programs given by approved sponsors. Credit will be awarded at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program. CE credit shall not be allowed for repeatitious presentations. A licensee may earn up to 10 hours per session.
- 3) CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during one renewal period.
- 4) CE credit may be earned for authoring, editing, publications or books and for presenting presentations and exhibits. The presentation of established relevant book chapter or audio-visual material may be claimed for only the first time the information is published or presented.
- 5) Approved CE Sponsors and Programs as used in this Section shall mean one of the following:
- A) American Dietetic Association (ADA), branch associations, or organizations recognized as sponsors of continuing education by the Commission on Dietetic Registration (CDR).
- B) Certification Board of Nutrition Specialists (CBNS), branch associations, or organizations approved as sponsors of continuing education by the CBNS.
- C) Reliably accredited college or universities.
- D) A person, firm, association, corporation or any other group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

continuing education courses and programs.

that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present

continuing education courses and programs.

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- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee, as set forth in Section 85 of the Act. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
 - A) Certification:
 - i) That all requirements offered by the sponsor for CE credits shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (c)(9) below;
 - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
 - iv) That each sponsor shall submit to the Department written notice of whom it offers, including its name, offices or offices of subcontractors, 30 days prior to course dates. Notice shall include the date, location, location, date and time of the program to be offered.
 - v) A copy of a four sample program with facility, course materials and syllabi.
 - 3) All programs shall:
 - A) Contribute to the advancement, extension, and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics or nutrition services.
 - B) Foster the enhancement of general or specialized work in the practice of dietetics or nutrition services.
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
 - D) Satisfy the course objectives, course content, and teaching methods to be used; and
 - E) Satisfy the number of CE hours that may be awarded to fulfill the Illinois CE requirements for renewal of a license.
 - 4) Each CE program shall designate a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor retains all subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
 - 6) All programs given by approved sponsors shall be open to all dietitians and nutrition counselors and not be limited to members of a state organization or group.
- 6) To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd-numbered year, a renewal application, the fee required in Section 85 of the Act, a list of courses and locations offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name, address and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
- 10) The sponsor shall maintain attendance records for not less than 5 years.
- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 12) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Admin. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the operator receives assurances of compliance with requirements of this Section.
- 13) Notwithstanding any other provision of this section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this section.
- 14) Certification of Compliance with CE Requirements
- 15) Each renewal application shall certify on the renewal application,

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full compliance with the CE requirements set forth in subsections (a) and (b) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewer to retain or otherwise produce evidence of compliance.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may be held in an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act (5 IILCS 10/10-65).
- 4) Continue Education. In other jurisdictions

 - 1) If a licensee has earned CE hours offered in another jurisdiction not licensed an unlicensed person for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual affidavit to request form along with a \$25 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the information using criteria set forth in subsection (c)(3) of this section. Applicants may seek individual program approval prior to participating in the programs.
 - 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this section.
 - 3) Restoration of Nonresident License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 65 (c) of the Act.
 - 4) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 5) Extreme hardship shall be determined on an individual basis by

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the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:

- 1) Full-time service in the armed forces of the United States of America during a substantial part of the pre-renewal period;
- 2) An incapacitating illness documented by a statement from a currently licensed physician;
- 3) A physical inability to travel to the sites of approved locations documented by a currently licensed physician; and
- 4) Any other similar extenuating circumstance.

- 5) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1245.330 Unprofessional Conduct

- 1) The Department may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 95 of the Act, which is intended to include, but is not limited to, the following acts or practices:

 - 1) Discrimination against clients on the basis of race, gender, religion, age, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;
 - 2) Promoting or endorsing products in a manner that is not true or misleading;
 - 3) Permitting the use of his/her name to certify that professional services have been rendered when the licensee has not rendered or supervised those services. When providing supervision, the person under their supervision;
 - 4) Making a gross or deliberate misrepresentation or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her nutrition services, or those of another practitioner;
 - 5) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;
 - 6) Refusing to divulge to the Department activities, techniques or procedures used in his/her professional activities upon request;
 - 7) Practicing or offering to practice beyond one's competency (for example, in providing services and techniques for which one is not qualified by education, training and experience);

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b) Directly or indirectly, avails to or receives from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered.

b1) A dietitian or nutrition counselor shall not advertise in any way that is fraudulent, false, deceptive or misleading. Any advertisement shall be considered fraudulent, false, deceptive or misleading if it:

- 1) Contains a misrepresentation of facts;
- 2) Makes only partial disclosure of relevant facts;
- 3) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;
- 4) Represents the licensee in a deceptive or misleading manner with respect to the professional or professional status of the licensee;
- 5) Contains any representation of a special area of practice by the licensee which implies that the licensee requires a superior license or formal recognition by the Department. Other than a licensed dietician or nutrition counselor;
- 6) Makes false, untrue or misleading claims about the validity, safety, or effectiveness of any dietary or nutrition related structure, product or test;
- 7) Fails to conspicuously identify the licensee by name in the advertisement.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Hospital Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 250

3) Section Numbers: 250.1305
250.1320
250.1520
250.2140

4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

5) A Complete Description of the Subjects and Issues involved: The rules in Part 250 govern the licensure of hospitals under the Hospital Licensing Act.

Section 250.1305 is being amended to permit the presence of a parent, guardian, or other individual selected by the patient or guardian, in the operating room during the induction of anesthesia on an individual who is 12 years of age or younger. The hospital must first adopt a policy on this matter, which must be approved by the Governing Board and which shall include conditions for written consent, medical record notation, safeguards against introduction of infection, additional staff, and removal of the individual from the operating room if necessary.

Section 250.1320 is being amended to permit the presence of a parent or guardian of a child 12 years of age or younger to be present with the child in recovering from a surgical procedure. The hospital must have a policy in place that includes written consent, medical record notation, safeguards against the introduction of infection, additional staff, ensurance of the privacy of other recovering patients, and removal of the patient or guardian from the recovery room if necessary.

Section 250.1520 is being amended to include reporting to the Department of any incident or occurrence in a hospital that could be considered a catastrophe or creates an immediate jeopardy and/or dangerous threat, and that requires the transfer of patients to other parts of the facility or other facilities, including but not limited to fire, flood, or power failure.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Existing Rule Currently in Effect? No

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7) Does this Rulemaking Contain Any Incorporations By Reference? No
8) Are there any other proposed Amendments Pending on this Part? Yes
9) Section Number 250.435

PROPOSED ACTION: Amendments

LAW REG. CITATION: 21 Ill. Reg. 3438

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rulemaking does not create or expand a state mandate.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT: On this

rulemaking. Interested persons may present their comments concerning

these rules by writing within 45 days after this issue of the Illinois

Register to:

Ms. Gail M. Devito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
217/782-2043

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

A) TYPE OF SMALL BUSINESSES, SMALL MUNICIPALITIES AND NOT-FOR-PROFIT CORPORATIONS AFFECTED: Hospitals
B) REPORTING, BOOKKEEPING OR OTHER PROCEDURES REQUIRED FOR COMPLIANCE:
Incidents that create a catastrophe or jeopardize or that threaten patients, such as fire, flood or power failure, are required to be reported to the Department.
C) TYPES OF PROFESSIONAL SKILLS NECESSARY FOR COMPLIANCE: None

13) REGULATORY AGENDA ON WHICH THIS RULEMAKING WAS SUMMARIZED: This rule was not included on either of the 2 most recent agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250: HOSPITAL LICENSING REQUIREMENTS

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Section Application For and Issuance of Permit to Establish a Hospital
 250.110 Application For and Issuance of a License to Operate a Hospital
 250.120 Application for and Administration by the Department
 250.130 Hearings
 250.140 Definitions
 250.150 Incorporation and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section The Governing Board
 250.210 Accounting
 250.220 Planning
 250.230 Admission and Discharge
 250.240 Visiting Rules
 250.250 Patients' Rights
 250.260 Language Assistance Services
 250.265 Manuals of Procedure
 250.270 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section Organization
 250.310 House Staff Members
 250.315 Admission and Supervision of Patients
 250.320 Orders for Medications and Treatments
 250.330 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section Organization
 250.410 Personnel Records
 250.420 Duty Assignments
 250.430 Health Care Workers Background Check
 250.435 Education Programs
 250.440 Personnel Health Requirements

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SUBPART E: LABORATORY

SUBPART F: RADIOLOGICAL SERVICES

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section Laboratory Services
 250.510 Blood and Blood Components
 250.520 Designated Blood Donor Program
 250.525 Proficiency Survey Program (Repealed)
 250.530 Laboratory Personnel (Repealed)
 250.540 Western Blot Assay Testing Procedures (Repealed)

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section General Diagnostic Procedures and Treatments
 250.610 Radioactive Isotopes
 250.620 General Policies and Procedures Manual
 250.630 General Policies and Procedures Manual

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section Nursing Services
 250.910 Organizational Plan
 250.920 Role in Hospital Planning

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250.940 Job descriptions
 250.950 Nursing committees
 250.960 Specialized nursing services
 250.970 Nursing Care Plans
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 250.990 Unusual Incidents
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 250.1010 Education Programs
 250.1020 Licensure
 250.1030 Policies and Procedures
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 250.1060 Drug Services on Patient Unit
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 250.1080 Admission Procedures Affecting Care
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 250.1220 Surgery Staff
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 250.1260 Operating Room Register
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 250.1300 Operating Room
 250.1305 Visitors in Operating Room
 250.1310 Cleaning of Operating Room
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SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

250.1210 Anesthesia Service
 250.1215 Medical Records
 250.1220 Reports

SUBPART K: ANESTHESIA SERVICES

Section

250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

250.1510 Medical Records
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Section Dietary Department Administration
 250.1610 Facilities
 250.1620 Menus and Nutritional Adequacy
 250.1630 Diet Orders
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 250.1660 Food Preparation and Service
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Section Housekeeping and Solid Waste Handling and Disposal
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 250.1750 Soiled Linen
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SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section Maternity and Neonatal Service
 250.1810 Applicability of other Parts of these regulations
 250.1820 Maternity and Neonatal Service (Perinatal Service)
 250.1830 General Requirements for all Maternity Departments
 250.1840 Discharge of Newborn Infants from Hospital
 250.1850 Rooming-In Care of Mother and Infant
 250.1860 Special Programs
 250.1870 Single Room Maternity Care

Section Engineering and Maintenance of the Physical Plant, Site, Equipment, and Systems—Heating, Cooling, Electrical, Ventilation, Plumbing, Water, Sewer, and Solid Waste Disposal
 250.1910 Maintenance
 250.1920 Emergency electric service
 250.1930 Water Supply
 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
 250.1950 Grounds and Buildings Shall be Maintained and Disposal
 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
 250.1970 Plumbing
 250.1980 Fire and Safety

SUBPART O: CHRONIC DISEASE HOSPITALS

SUBPART Q: CHRONIC DISEASE HOSPITALS

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<p>Definition 50.2010</p> <p>Requirements 50.2020</p>	<p>SUBPART R : PHARMACY OR DRUG AND MEDICINESTORE</p> <p>SERVICE REQUIREMENTS</p> <p>PERSONNEL REQUIRED</p> <p>PERSONNEL FOR SERVICES</p> <p>PHARMACY AND THERAPEUTICS COMMITTEE</p>	<p>SUBPART S : PSYCHIATRIC SERVICES</p> <p>APPLICABILITY OF OTHER PARTS OF THESE REGULATIONS</p> <p>ESTABLISHMENT OF A PSYCHIATRIC SERVICE</p> <p>THE MEDICAL STAFF</p> <p>NURSING SERVICE</p> <p>ALLIED HEALTH PERSONNEL</p> <p>STAFF AND PERSONNEL DEVELOPMENT AND TRAINING</p> <p>ADMISSION, TRANSFER AND DISCHARGE PROCEDURES</p> <p>CARE OF PATIENTS</p> <p>SPECIAL MEDICAL RECORD REQUIREMENTS FOR GENERAL HOSPITALS OF PROVIDING PSYCHIATRIC CARE</p> <p>DIAGNOSTIC, THERAPEUTIC AND REHABILITATIVE MEASURES</p>
<p>SECTION 50.2110</p> <p>SECTION 50.2120</p> <p>SECTION 50.2130</p> <p>SECTION 50.2140</p>		<p>50.2210</p> <p>50.2220</p> <p>50.2230</p> <p>50.2240</p> <p>50.2250</p> <p>50.2260</p> <p>50.2270</p> <p>50.2280</p> <p>50.2290</p>

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50.0.2420	to Existing Facility
50.0.2430	Preparation of Drawings and Requirements
50.0.2440	General Hospital Standards
50.0.2450	Details
50.0.2460	Finishes
50.0.2470	Structural
50.0.2480	Mechanical
50.0.2490	Plumbing and Other Piping Systems
50.0.2500	Electrical Requirements

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Section 505.2610 Applicability of these Standards

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<p>Definition 50.2010</p> <p>Requirements 50.2020</p>	<p>SUBPART R : PHARMACY OR DRUG AND MEDICINEWARE</p> <p>SUBPART S : PSYCHIATRIC SERVICES</p>
	<p>Service Requirements</p> <p>50.2110 Personnel Required</p> <p>50.2120 Personnel for Services</p> <p>50.2130 Pharmacy and Therapeutics Committee</p> <p>50.2140</p>
	<p>Applicability of Other Parts of These Regulations</p> <p>50.2210 Establishment of a Psychiatric Service</p> <p>50.2220 The Medical Staff</p> <p>50.2230 Nursing Service</p> <p>50.2240 Allied Health Personnel</p> <p>50.2250 Staff and Personnel Development and Training</p> <p>50.2260 Admission, Transfer and Discharge Procedures</p> <p>50.2270 Care of Patients</p> <p>50.2280 Special Medical Record Requirements for General Hospitals</p> <p>50.2290 Psychiatric Units of General Hospitals</p> <p>50.2291 Providing Psychiatric Care</p> <p>50.2292 Dilemmas - Treatment and Mental Health</p> <p>50.2293 Mental Health</p>
	<p>Section 50.2310</p> <p>Section 50.2320</p> <p>Section 50.2330</p> <p>Section 50.2340</p> <p>Section 50.2350</p> <p>Section 50.2360</p> <p>Section 50.2370</p> <p>Section 50.2380</p> <p>Section 50.2390</p>

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Applicability of these Standards	§ 50.2410
Submission of Plans for New Construction, Alterations or Additions to Existing Facility	§ 50.2420
Preparation of Drawings and Requirements	§ 50.2430
General Hospital Standards	§ 50.2440
Details	§ 50.2450
Finishes	§ 50.2460
Structural	§ 50.2470
Mechanical	§ 50.2480
Plumbing and Other Piping Systems	§ 50.2490
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Definition	50.25.10
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SOURCE: Rules repealed and new rules adopted August 1, 1973, effective July 24, 1973.	
amended at 2 Ill. Reg. 31, p. 73, effective July 24,	
Applicability of these Standards	
50.26.10	

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150 days; amended at 2 Ill. Reg. 211, Reg. 21, P. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, P. 73, effective July 21, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, P. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, P. 23, effective April 22, 1979; amended at 4 Ill. Reg. 22, P. 23, effective May 20, 1980; amended 4 Ill. Reg. 25, P. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 1236, effective March 15, 1982; amended at 7 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 1, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6346, effective August 2, 1983; amended at 7 Ill. Reg. 8346, effective July 12, 1983; amended at 7 Ill. Reg. 610, effective August 2, 1983; codified at 8 Ill. Reg. 1972; amended at 8 Ill. Reg. 2418, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10612, effective July 1, 1987; amended at 12 Ill. Reg. 1580, effective October 1, 1988; amended at 12 Ill. Reg. 16160, effective October 1, 1988; amended at 13 Ill. Reg. 13239, effective September 1, 1989; amended at 14 Ill. Reg. 732, effective February 15, 1990; amended at 14 Ill. Reg. 13874, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1611, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 13390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 3234, effective February 15, 1996; emergency expanded on May 31, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART II: SURGICAL AND RECOVERY ROOM SERVICES

Section 250.1305 Visitors in Operating Room

- No lay visitor shall be given access to the operating rooms during surgery.
- Only individuals in the categories authorized herein and individuals authorized in accordance with hospital policy shall be allowed access to the operating rooms during surgery. Individual authorized herein shall be members of the medical staff, persons covered by Section 250.310(a)(1), persons employed by the hospital and assigned to the operating room, and persons participating in residency or clinical training programs approved by the Department of Professional Regulation Registration and Education under the Medical Practice Act of 1987, Title IV-Bill of Rights-1985-Ch-112-P-Art-III-Reg-400-Sub-1.
- Where hospital policy approved by the Governing Board permits other persons to be in attendance in the operating room during surgery, the

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policy shall provide for the screening of such persons to ensure the necessity of their presence, such as documentation that they have appropriate licensure, qualifications or competence and that the person performing the procedure, the patient's attending physician and the chairman of the department of surgery in departmentalized hospitals have agreed to allow such access.

§ 1. The presence of a parent or guardian, or other individual selected by a child's parent or guardian, may be allowed in the operating room during the induction of anesthesia in an individual who is 12 years of age or younger, at the discretion of the hospital if the hospital has first adopted a policy on the matter, approved by the Governing Board, which shall include, but not be limited to, the following conditions:

- Written consent of the parent, guardian or other individual, the anesthesiologist provider and the physician performing the surgery.
- Notation in the patient's medical record of the presence of additional persons in the operating room during the induction of anesthesia;
- Application of safeguards against the introduction of infection or other hazards by the parent, guardian or other individual, including orientation, education and training of the personnel prior to the procedures being performed; the staff shall include, at a minimum, specific standard procedures and what can be expected, basic infection control practices exercised by the personnel and instruction that the person must leave the operating room after the induction of anesthesia;
- Provision of, at least one, additional staff person in the operating room assigned to oversee, supervise and assist the parent, guardian or other designated individual for the period of time the parent, guardian or designated individual is present;
- If, at any point during the induction of the anesthesia, it is determined by the physician performing the surgery or the attending anesthesiologist provider that the parent, guardian or other individual poses a threat to the safe completion of the induction of the anesthesia, he or she may require the parent, guardian or other individual to leave the operating room.

(Source: Amended at 21 Ill. Reg. _____)

effective _____,

Section 250.1320 Registrations for Postoperative Recovery Facilities

- Postoperative Post-operative recovery facilities shall be provided by all hospitals in which surgery is performed. They shall be in a separate room where patients who have undergone surgical procedures can be immediately observed and receive specialized care by selected and trained personnel, and where,

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when necessary, prompt emergency care can be initiated. The services of the postoperative recovery room may be utilized for postpartum if the delivery room or place of delivery is in close proximity to the postoperative recovery room. Only clean (non-infected or non-infectious) postpartum patients may be admitted to the postoperative recovery room and may after appropriate observation be returned to the maternity department.

- b) Personnel
 - 1) A physician shall be responsible for the conduct of the recovery room, for the training of recovery room personnel, and for the establishment of admission and discharge policies and procedures.
 - 2) A registered nurse who has education and experience in postoperative recovery room care shall supervise all personnel performing nursing service functions.
 - 3) A registered nurse shall be in attendance at all times when patients are in the recovery room.
 - 4) There shall be sufficient nursing personnel to provide the specialized care required for the post surgical patient. It is recommended that a ratio of one nursing personnel to three patients be maintained at all times.
 - 5) Nursing personnel shall be assigned permanently to the postoperative recovery room when patients are present.
 - c) Practices for operation of postoperative recovery rooms:
 - 1) Only clean surgical cases shall be admitted to the postoperative recovery room.
 - 2) Contaminated cases shall be returned to the isolation room or private room. When a separate isolation facility is within or adjacent to the postoperative recovery room, contaminated cases may be admitted to it.
 - 3) A member of the medical staff shall provide initial orders for the care of each patient upon admission.
 - 4) A member of the medical staff shall be responsible for the patient's discharge from the recovery room.
 - 5) Anesthetized patients shall be constantly attended. Side rails shall be attached to movable carts, anne beds and raised above mattress level when occupied by anesthetized patient. Cribs shall be provided for the anesthetized or post surgical child and revised as necessary, shall be established.
 - 6) Written policies and procedures, which are reviewed regularly and continuing in-service education program and continuing in-service education program shall be provided for all personnel assigned to the recovery room.
 - 7) Personnel with communicable diseases shall be excluded from the recovery room.
 - 8) No visitors shall be permitted in the postoperative recovery room except in the case where a hospital has adopted a policy

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approved through the Governing Board, that allows a parent or guardian, or other individual selected by a child's parent or guardian of a child 12 years of age or younger to be present with the child in recovering from a surgical procedure. Before allowing individuals to be present in the recovery area with their child, the hospital shall have a policy in place that includes at least the following:

- a) Written consent of both the parent, guardian or other individual and the physician performing the surgery.
- b) Notification in the patient's medical record of the presence of additional persons in the postoperative recovery room during recovery of the child from a surgical procedure.
- c) Application of safeguards against the introduction of infection or other hazards by the parent, guardian or other individual including orientation, education and training of the person prior to the procedure being performed; this shall include at minimum, specificities regarding the procedure and recovery that can be exercised, and basic infection control practices expected of the person.
- d) Provision of at least one additional staff person in the recovery room assigned to oversee, supervise and assist the parent, guardian or other designated individual for the period of time the parent, guardian or designated individual is present.
- e) Provision of safeguards to ensure the privacy of other patients who may be recovering from surgical procedures, which may include separate rooms or some other type of separation for recovery of children who would have a parent present. Whatever method is chosen must allow for constant attention of anesthetized patients by recovery room staff.
- f) If, at any point during the recovery of the minor patient, it is determined by the recovery room personnel that the parent, guardian or other individual poses a threat to the safe recovery of the patient, he or she may require the parent, guardian or other individual to leave the recovery room.
- g) Drugs, supplies and equipment: Equipment accessible in the unit for postoperative care including emergencies. These shall include cardiac-respiratory resuscitation materials.
- h) Accommodations and facilities for resuscitation rooms—*Resuscitation Rooms* for post-anesthesia recovery of surgical and obstetrical patients for post-anesthesia recovery of surgical and obstetrical patients shall be provided and shall contain a drug distribution station, handwashing facilities, charting facilities, clinical sink with bedpan flushing device, and storage space for supplies and equipment. Additional recovery space(s) may be necessary to

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accommodate surgical outpatients. For more detailed information see Subpart T of this Part these requirements.

(Source: Amended at 21 Ill. Reg. _____)

SUBPART L: RECORDS AND REPORTS

Section 250.1520 Reports

- a) Each hospital shall submit reports containing such pertinent data as may reasonably be required by the Department.
- b) In the reporting of communicable disease cases the hospital shall comply with Title 77 Ill. Adm. Code §912, "Control of Communicable Diseases Code" as issued by the Department.
- c) See Subpart O, Sections 250.1830 and Section 250.1840 of this Part, regarding reports pertaining to mothers and infants, and regarding children to be discharged to person other than a natural parent.
- d) See Subpart O, Section 250.1830 of this Part, regarding birth, stillbirth, and death reports.
- e) The death of a pregnant woman or the death of a woman within 90 days following the termination of a pregnancy shall be reported to the Department as required in Section 250.1830(1)(2) of this Part.

This is required regardless of the type of hospital or the reason for the patient's admission.

f) Any incident or occurrence in a hospital that could be considered a catastrophe or creates an immediate jeopardy and/or dangerous threat and that requires the transfer of patients to other parts of the facility or other facilities, including but not limited to fire, flood or power failure shall be reported to the Department within two working days after its occurrence.

(Source: Amended at 21 Ill. Reg. _____)

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section 250.2140 Pharmacy and Therapeutics Committee

- a) In accordance with the bylaws, rules and regulations of the medical staff, an interdisciplinary committee appointed to the Board shall be appointed to assure the responsibility for the functions of the service.

- b) The members of this committee shall include the registered pharmacist directing the services, members of the medical staff administration and nursing. The committee shall meet not less than quarterly and record minutes of their meetings, which shall reflect their activities.

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The functions of the committee shall include but not be limited to the following:

- 1) assist in the formulation of rules and regulations relating to the selection, evaluation, distribution, and administration of drugs and medicines in the hospital;
- 2) to establish control and reporting procedures for the use of investigational (experimental, trial use) drugs and medicines;
- 3) to promote educational programs on drugs and drug therapy for the medical and nursing staffs and other appropriate personnel;
- 4) to develop and update the Service Policy and Procedure Manual, the Hospital Formulary or Drug List;
- 5) to review and act on recommendations, drug usage reports, medication error or incident reports, storage, distribution and administration of drugs;
- 6) to develop Policies and Procedures (which shall be approved by the Medical Staff and Board) to provide for the administration of identified drugs and medicines by qualified professional persons who are authorized by law to administer such drugs and medicines in the course of practicing their professions; and
- 7) the Pharmacy and Therapeutics Committee shall establish the guidelines for the education, in-service training and supervision of all personnel administering drugs and medications.

(Source: Amended at 21 Ill. Reg. _____)

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- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs
- 2) Code Citation: 77 Ill. Adm. Code 510
- 3) Section Numbers:
 - 510.130
 - 510 Appendix C
- 4) Statutory Authority: Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]
- 5) A. Complete Description of the Subjects and Issues involved: The rules in Part 510 set forth the Department's standards for testing of breath, blood and urine for alcohol and/or other drugs. The rules are being amended in response to P.A. 90-0043 (effective July 2, 1997), which amended the Criminal Code of 1961, and the Illinois Vehicle Code to lower the concentration at which a person is presumed to be under the influence of alcohol from .10 to .08. Section 510.10 establishes requirements for preliminary breath screening test units. The rule is being amended to delete requirements for pass/fail units, which use a red light to indicate an alcohol level of .10 or higher. These units will no longer be accepted by the Department. Requirements for digital units are clarified. Section 510 Appendix C is being amended to delete reference to pass/fail units and units no longer approved for use.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the Illinois Register.

- 6) Will this Rulemaking Relate an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will require police agencies that have pass/fail preliminary breath testing equipment to stop using it for DUI enforcement activities and/or to replace it with digital read equipment.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these

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rules by writing within 45 days after this issue of the Illinois Register to:

- Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
(E-mail: rules@idph.state.il.us)
- 12) Initial Regulatory Flexibility Analysis:
 - A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Local law enforcement agencies
 - B) Regulation, Bookkeeping or Other Procedures Required for Compliance: None
 - C) Types of Professional Skills Necessary for Compliance: Ability to operate breath testing equipment

- 13) Regulatory Agenda On which this rulemaking was summarized: This rulemaking was not included on a regulatory agenda because the need was not apparent when the regulatory agenda was prepared.
The proposed amendments are identical to Emergency Amendments that appear in this issue of the Illinois Register on page _____.

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ILLINOIS RACING BOARD

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Numbers:

Proposed Action:	
603.50	Amendment
603.55	New Section
603.120	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The amendment to Section 603.50 moves the provision for prima facie evidence to the new Section 603.55. The amendment to Section 603.120 removes unnecessary language.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes
- Section Number: 603.180
Citation: 21 Ill. Reg. 12091 September 5, 1997
Proposed Action: New Section
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60661
(312) 814-5707.

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C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board and therefore did not appear in a regulatory agenda.

The full text of the proposed amendment begins on the next page:

- 14) Initial Regulatory Flexibility Analysis:
 - A) Type of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSES RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section Pre-Race Saliva Tests

603.10 Racing Soundness Exam

603.10 Foreign Substances and Pharmaceutical Aids Banned

603.40 Twenty-four Hour Ban

603.50 Trainer Responsibility

Prima Facie Evidence

603.55 Permitted Use of Foreign Substances and Threshold Levels

603.60 Pucoseneide

603.70 Needles, Surgicels and Injackets

603.80 Drugs, Chemicals and Prescription Items

603.90 De-ent-lon Bath

603.110 Test Samples

603.120 Referee Samples

603.130 Laboratory Findings and Reports

603.140 Distribution of Purses and Retention of Samples

603.150 Post Mortems

603.160 Penalties

603.170 Veterinarian's Records

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 21 Ill. Reg. 322, effective March 4, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 603.50 Trainer Responsibility

a) Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of the medication rules of the Board, and reasonably familiar with the medication substances he/she administers or directs his/her employees to administer, and which are administered by such trainer's veterinarian.

b) Every trainer has the duty to have each horse trained by him in its assigned security stall in accordance with 11 Ill. Adm. Code 220, #4, determination by the laboratory—of—the presence—of—a—foreign substance—in—a—pre-race—or—post-race—sample—that—constitute—prima

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facte-evidence—that-the-trainer-has-violated—Section-603.38(e)(7)-or---has failed-in-the-dates-specified-in-this-Section-

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 603.55 Prima Facie Evidence

A determination by the laboratory of the presence of a foreign substance in a test sample shall constitute prima facie evidence that the trainer has violated Section 603.30(c) or has failed in the duties specified in this Part.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 603.120 Referee Samples

a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the laboratory, with the consent of the owner of the horse from whom the sample was taken—if the fitness is racing—board—requests—permission from the owner to teach or her referee sample—and the owner refuses to grant the permission—the Board shall deem such refusal by the owner as grounds for revoking his or her occupation license.

b) If the owner, trainer or other person charged with a violation of these rules desires to send the referee sample to another laboratory for testing, the Board shall bear the cost of preparing the samples for shipment, but the cost of such shipment and of such testing at another laboratory shall be borne by the person requesting the additional tests.

c) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Number: 1040.33
Proposed Action
New Section

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100].

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to incorporate recently enacted legislation concerning persons with disabilities license plates or parking decals or devices (P.A. 00-166).

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic renewal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other amendments rendering this part? Yes

Section Number	Proposed Action	Illinois Register Citation
1040.25	Amendment	21 Ill. Reg. 13100
1040.29	New Section	21 Ill. Reg. 13100
1040.36	New Section	21 Ill. Reg. 13100
1040.37	New Section	21 Ill. Reg. 13100
1040.38	Amendment	21 Ill. Reg. 13100
1040.40	Amendment	21 Ill. Reg. 13100
1040.41	Amendment	21 Ill. Reg. 13100
1040.52	New Section	21 Ill. Reg. 13100
1040.60	Amendment	21 Ill. Reg. 13100

10) Statement of Stakeholder Policy Objective: This rulemaking will have no effect on units of local government.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 15 days after the date this notice is published. All comments must be in writing and should be sent to:

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TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 100
CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Court to Forward Licenses and Reports of Convictions

Section 100.10 Court to Forward Licenses and Reports of Convictions

Supension or Revocation for Driving Without a Valid Driver's License
3 or More Traffic Offenses Committed Within 12 MonthsOperating a Motor Vehicle During a Period of Suspension or Revocation
Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate

Parking Device or Device of Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device

Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction

Commission of a Traffic Offense in Another State
Repeated Convictions or Collisions

Suspension of Licenses for Curfew Violations

Fleeting and Enduring
Illegal Transportation

Accident and Personal Injury Suspensions or Revocations

Vehicle Emission Suspensions or Revocations
Suspension or Revocation of a License of Commercial Vehicle Driver

Violation for Driver's License Classification

Releases of Information Regarding a Disposition of Court Supervision
Offenses Occurring on Military BasesInvalidation of a Restricted Driving Permit
National Driver Register
Cancellation of Driver's License Upon Issuance of a Handicapped Identification CardRecissions
Reinstatement Fees

Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

100.48 AUTHORITY: Implementing Chapter 6, Articles II and VII of the Illinois Driver

Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6, 6, Arts. II and VII] and
authorized by Section 2-104(b) of the Illinois Vehicle Title and

Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 ill. Reg. 282, effective April 1, 1971; amended at June 30, 1973; amended at 5 ill. Reg. 3533; effective April 1, 1971; amended at

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6 ill. Reg. 4239, effective April 2, 1982; codified at 6 ill. Reg. 12674; amended at 8 ill. Reg. 2300, effective February 1, 1984; amended at 8 ill. Reg. 3783, effective March 13, 1984; amended at 8 ill. Reg. 1995, effective September 25, 1984; amended at 8 ill. Reg. 23383, effective November 21, 1984; amended at 10 ill. Reg. 15265, effective September 4, 1986; amended at 11 ill. Reg. 1622, effective October 1, 1987; amended at 11 ill. Reg. 20659, effective December 8, 1987; amended at 12 ill. Reg. 2141, effective September 1, 1988; amended at 12 ill. Reg. 14351, effective September 1, 1988; amended at 12 ill. Reg. 15825, effective September 15, 1988; amended at 12 ill. Reg. 16006, effective October 1, 1988; amended at 12 ill. Reg. 17120, effective October 1, 1988; amended at 13 ill. Reg. 1593, effective January 23, 1989; amended at 13 ill. Reg. 1802, effective April 1, 1989; amended at 13 ill. Reg. 18659, effective January 15, 1989; amended at 13 ill. Reg. 17087, effective October 16, 1989; amended at 13 ill. Reg. 20128, effective December 8, 1989; amended at 13 ill. Reg. 2944, effective February 7, 1990; amended at 14 ill. Reg. 3178, effective April 1, 1990; amended at 14 ill. Reg. 5560, effective April 13, 1990; amended at 14 ill. Reg. 18088, effective October 22, 1990; amended at 15 ill. Reg. 16288, effective September 24, 1991; amended at 17 ill. Reg. 8512, effective May 27, 1993; amended at 17 ill. Reg. 9028, effective June 2, 1993; amended at 17 ill. Reg. 12782, effective July 21, 1993; amended at 18 ill. Reg. 7447, effective May 3, 1994; amended at 18 ill. Reg. 10833, effective June 27, 1994; amended at 18 ill. Reg. 11644, effective July 1, 1994; amended at 18 ill. Reg. 16443, effective October 24, 1994; amended at 20 ill. Reg. 2558, effective January 16, 1996; amended at 21 ill. Reg. 3938, effective June 30, 1997; amended at 21 ill. Reg. 12005, effective August 29, 1997; amended at 21 ill. Reg. _____, effective _____.

For purposes of this Section, the following definitions shall apply:

"Authorized holder" - an individual issued a person-with-disabilities license plate under Section 2-61G of the Illinois Vehicle Code, or an individual issued a person-with-disabilities license plate or parking decal or device under Section 11-301.1 of the Illinois Vehicle Code [625 ILCS 5/3-61G and 11-301.1].

"Department" - Driver Services Department within the Office of the Secretary of State.

"False information" - any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physical certification or any other information

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required on the serialization for a person-with-disabilities license plate or "parkin" permit or device that satisfies the content of the application.

"Fictitious Person-with-disabilities license plate or "parkin" decal or device" - any person-with-disabilities license plate or "parkin" decal or device that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application.

"Fraudulent Person-with-disabilities license plate or "parkin" decal or device" - any person-with-disabilities license plate or "parkin" decal or device that purports to be an authorized person-with-disabilities license plate or "parkin" decal or device and that has not been issued by the Secretary of State or an authorized unit of local government.

"Person-with-disabilities license plate or "parkin" decal or device making implement" - any implement specially designed or primarily used in the manufacture, assembly or authentication of a person-with-disabilities license plate or "parkin" decal or device issued by the Secretary of State or a unit of local government.

"Unlawfully altered person-with-disabilities license plate or "parkin" permit or device" - any person-with-disabilities license plate or "parkin" permit or device issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or "parkin" decal or device.

b) The Secretary of State has discretionary authority to suspend or revoke the driver's privilege of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206].

1) If such person has knowingly possessed and fictitious or unlawfully altered person-with-disabilities license plate or "parkin" decal or device in violation of Section 11-301.5(b)(1) of the Illinois Vehicle

Code [625 ILCS 5/11-301.5(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois

Vehicle Code:

1 month Suspension

6 months Suspension

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3rd or Subsequent Offense Revocation; or

2) If such person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or "parkin" decal or device in violation of Section 11-301.5(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-301.5(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense 1 month Suspension

2nd Offense 6 months Suspension

3rd or Subsequent Offense Revocation; or

2) If such person has knowingly altered any person-with-disabilities license plate or "parkin" decal or device in violation of Section 11-301.5(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-301.5(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense 1 month Suspension

2nd Offense 6 months Suspension

3rd or Subsequent Offense Revocation; or

3) If such person has knowingly possessed and fictitious person-with-disabilities license plate or "parkin" decal or device in violation of Section 11-301.5(b)(1), the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense 1 month Suspension

2nd Offense 6 months Suspension

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3rd or Subsequent Offense Revocation; or

5) If such person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(5) of the Illinois Vehicle Code (625 ILCS 5/11-1301.5(b)(5)), the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

ACTION TABLE

ACTION TABLE

1st Offense 1 month Suspension

2nd Offense 6 months Suspension

3rd or Subsequent Offense Revocation; or

6) If such person knowingly transfers a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a person-with-disabilities license plate or parking decal or device under the Illinois Vehicle Code in the absence of the authorized holder in violation of Section 11-1301.5(b)(6) of the Illinois Vehicle Code (625 ILCS 5/11-1301.5(b)(6)), the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

ACTION TABLE

ACTION TABLE

1st Offense 1 month Suspension

2nd Offense 6 months Suspension

3rd or Subsequent Offense Revocation; or

7) If such person has knowingly possessed any fraudulent person-with-disabilities license plate or parking decal in violation of Section 11-1301.6(b)(1) of the Illinois Vehicle Code (625 ILCS 5/11-1301.6(b)(1)), the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code (625 ILCS 5/6-206(a)(36)):

ACTION TABLE

ACTION TABLE

1st Offense 1 month Suspension

2nd Offense 6 months Suspension

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3rd or Subsequent Offense Revocation; or

8) If such person has knowingly possessed without authority any person-with-disabilities license plate or parking decal or device-making implement in violation of Section 11-1306.5(b)(2) of the Illinois Vehicle Code (625 ILCS 5/11-1306.5(b)(2)), the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

ACTION TABLE

ACTION TABLE

1st Offense 12 months Suspension

2nd Offense Revocation; or

9) If such person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1311.6(b)(3) of the Illinois Vehicle Code (625 ILCS 5/11-1311.6(b)(3)), the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

ACTION TABLE

ACTION TABLE

1st Offense 12 months Suspension

2nd Offense Revocation; or

10) If such person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(4) of the Illinois Vehicle Code (625 ILCS 5/11-1301.6(b)(4)), the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

ACTION TABLE

ACTION TABLE

1st Offense 12 months Suspension

2nd Offense Revocation; or

11) If such person has advertised or distributes a fraudulent person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(5) of the Illinois Vehicle Code (625 ILCS 5/11-1301.6(b)(5)), the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

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Vehicle Codes:

ACTION TABLE

1st Offense

12 months Suspension

Revocation.

§ 1. The sources of acceptable proof of the offenses described in subsection (b) above are court documents, Department of Vehicle Services Applications, Driver Services Facility Applications, government entity documents and law enforcement correspondence/reports.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Comptroller Merit Employment Code
- 2) Code Citation: 80 Ill. Adm. Code 500
- 3) Section Numbers: Adopted Action:
 - 500.210 Amended
 - 500.225 New
- 4) Statutory Authority: Comptroller Merit Employment Code [5 ILCS 410]
- 5) Effective Date of Amendments: September 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporates by reference? No
- 8) Date filed in Agency's Principal Office: September 15, 1997
- 9) Notice of Proposal Published in Illinois Register: March 7, 1997, 21 Ill. Reg. 2669
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposed and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of These Adopted Amendments: The amendments authorize and limit Comptroller use of intermittent employees.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Keith J. Flanagan
Office of the Comptroller
201 State Capitol Building
Springfield, IL 62706-0001

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217/782-5328

The full text of the adopted rules begins on the next page.

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

CHAPTER III: COMPTROLLER

PART 500

PERSONNEL RULES

SUBPART A: DEFINITIONS

Section
500.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
500.110 Position Classification
500.120 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
500.210 Application and Examination
500.220 Trainees
500.225 Internships
500.230 Continuous Service
500.240 Performance Review
500.250 Probationary Status
500.260 Promotions
500.270 Employee Transfer
500.275 Layoffs and Reemployment
500.280 Voluntary Reduction
500.290 Resignation and Reinstatement
500.295 Discipline, Discharge and Demotion

SUBPART D: CONDITIONS OF EMPLOYMENT

Section
500.310 Grievance Procedure
500.330 Leave of Absence
500.330 Holidays
500.340 Vacation
500.350 Work Schedules
500.360 Overtime

SUBPART E: GENERAL PROVISIONS

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Section 10 Public Records

500.410 Time and Manner of Inspection

500.415 Employee Roster Files

500.420 Confidential Records

500.425 Attendance Records

500.430 Notification of Absence

500.435 Notification of Attendance Records

500.440 Review of Attendance Records

500.445 Undated Forms

500.450 Incomplete Forms

500.455 Evaluation Forms

500.460 Portability of Certain Benefits

500.470 Effective Date of Rules

500.475 Savings Clause

Interpretation and Application of Rules

500.480 Policy

500.485 Retrospective

500.490

Recessivity

AUTHORITY: Implementing and authorized by the Comptroller Merit Employment Code [5 ILCS 4/10]

SOURCE: Emergency rule adopted at 3 Ill. Reg. 18, P. 228, effective April 25, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, D. 60, effective September 6, 1980; amended at 5 Ill. Reg. 89, effective January 9, 1981; codified at 7 Ill. Reg. 1969; amended at 17 Ill. Reg. 11336 [U.C.], effective 1, 1993; amended at 21 Ill. Reg. 11336 [U.C.], effective .

SUBPART C: MERIT AND FITNESS

Section 500.210 Application and Examination

- a) The Director shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration, or skill, an evaluation of physical or manual fitness, or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.
- 2) Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.
- 3) In lieu of announcing or conducting examinations, the Director

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may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.

Examinations -- Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Comptroller. Provide economical administration, and be generally convenient for applicants. The Director may cancel or postpone examinations at any time.

Veterans Preference: Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:

- 1) Five points shall be added to the entrance grade for such nondisabled veteran eligibles.
- 2) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veterans Administration or from such allied country for war service-connected disabilities.
- 3) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category.
- 4) Public Notice of Examinations: The Director shall give public notice of examinations at least two weeks in advance of such tests, except as otherwise noted. Announcements shall be posted in a conspicuous place in each office of the agency and department of Personnel.

Announcements shall specify the day and manner in which an application

- e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.
- f) Test Rating -- Notice and Review: The rating of each test shall be completed and the resulting 1st established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of his/her final earned rating or of his/her failure to attain a place on the list.

9) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

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- 1) Retaking examinations —
 - A) No applicant shall be permitted to retake a test or tests included within an examination until thirty (30) days have elapsed. This limitation may, however, be waived when in the judgment of the Director the best interests of the State require such waiver.
 - B) No applicant may be permitted to retake a test included within an examination more than twelve (12) months after the original date of examination.
 - C) For purposes of ranking on eligible lists, the grades of applicants who retake a test or tests included within an examination shall be computed by using the latest passing scores attained by such applicants.
- 2) Regarding examinations —
 - A) At the request of an applicant who has completed an open competitive examination, the Director may regrade the examination taken by that applicant for placement on the eligible list for another class when the qualifications and examination standards for the new class are similar to those of the class for which tested.
 - B) When a candidate makes an application for subsequent examination for the same or a different title having one or more identical tests which had been taken within the preceding twelve (12) months, the Director may utilize the test or tests previously taken in lieu of requiring the candidate to repeat the applicable test or tests included within the examinations.
 - C) Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, religion, sex, marital status, national origin, political affiliation, or membership in, or activity in or on behalf of employee labor organizations, or any other non-merit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.
 - D) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Comptroller removing examination materials from the premises at which examinations are being administered or stored in any manner whatsoever, shall be subject to prosecution.
 - E) Admission to Examinations: Admission to competitive examinations shall be open to all persons who meet such requirements as have been established by the Director, and may be lawfully appointed to the position. The Director may reject the application of any person for admission to a test or decline to test or certify for employment any applicant who:
 - 1) Subsequent to participating in the examination is found to lack the qualifications prescribed for admission to the test as announced in the public notice;
 - 2) Is physically unfit to perform effectively the duties of the

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- 3) Has used, or attempted to use bribery or political influence to secure an advantage in testing or appointment; or has practiced deception or fraud in the application or test;
 - 4) Has made false statements of any material fact or does not meet the United States Department of Justice Immigration and Naturalization Service regulations for permanent employment;
 - 5) Is found guilty of a violation of this Part or any of the provisions of the Merit Employment Code relating to participation in examinations;
 - 6) Residency Requirements: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director and only when there are fewer than three qualified residents of Illinois available.
 - 7) Employment of Family Members: Family member status shall constitute neither a deterrent nor an advantage to employment, provided that the individual fulfills all objective job-related qualifications, except for reasons of business necessity as established by the Office of the Comptroller.
 - 8) Linguistic Requirements: The Director may establish linguistic options when he deems such options to be appropriate.
 - 9) Eligible Lists: The Department shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 500.21(b). The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be specified in the examination announcement. A separate Eligible List will be maintained for intermittent applicants.
 - 10) Responsibilities of Eligibles: It shall be the responsibility of each eligible to inform the Department in writing of any changes in address or availability for employment.
 - 11) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of the examination or which may be made available at a later date.
 - 12) Removal of Names From Eligible Lists:
 - 1) The Director shall remove names from an eligible list for any of the following reasons:
 - A) Appointment of an eligible from the eligible list;
 - B) Death of an eligible;
 - C) Notice by postal authorities that they are unable to locate the eligible at his/her last known address;
 - D) Attempt by an eligible to practice any deception or fraud in connection with an examination;
 - E) Evidence that the eligible lacks any of the qualifications required for the class for which he/she was erroneously required for the class for which he/she was erroneously

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declared eligible;

- F) Request of an eligible to remove name;
- 2) The Director may remove names from an eligible list for any of the following reasons. Eligibles shall be notified of such removal:
 - A) Failure of an eligible, upon referral, to reply or to report for interview;
 - B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;
 - C) Failure of an eligible, upon request, to furnish written evidence of availability for employment;
 - D) Specifying conditions of employment by an eligible which are not associated with the class for which an eligible;
 - E) Refusal of an eligible to accept two separate offers of employment;
 - F) After an eligible has been passed over two times after referral to the state department for the appointment of an eligible lower on the eligible list, and the department head concerned requests removal of the eligible from the list for good and sufficient cause;
 - G) Poor work history of eligible;
 - H) Former experience and history of eligible not compatible with duties and responsibilities of the class;
 - I) Physical inability of eligible to perform the duties and responsibilities of the class;
 - J) After eligible accepts promotion;
 - K) When a change in either classification or testing standards other than change requires such classification;
 - L) Conviction of an eligible of a felony;
 - M) Addiction or an eligible to narcotics or to alcohol.
- t) Replacement of names on Eligible List: The Director may restore a name to the same eligible list when such action is in the best interest of the Office of the Comptroller.
- 1) Names of veterans returning from active military service of not more than four (~~44~~) years shall be restored to an eligible list for the same class if the request is made by the veteran within ninety-(90) days after discharge or from hospitalization continuing after discharge for not more than one year. The eligible must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class.
- 2) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.
- 3) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time

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remaining of the original eligibility;

s) Appointment From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination, such appointment shall be made of the person standing among those who are available within the three highest grade, if such list is in order of examination grade, or the highest ranking group, if such list is in category grouping, except as provided for under subsection Section Seven-hundred-sixty-eight (v) of this Section.

t) Appointments -- Positions Subject to Jurisdiction B: Positions which are covered by Jurisdiction B of the Code shall be filled in one of the following ways:

- 1) By appointment of an applicant standing among the three highest on an eligible list which is numerically rated;
- 2) By appointment of an applicant from the highest ranking group of eligibles from an eligible list which is not numerically rated;
- 3) By persons employed as of present-employees-- August 23, 1978; who have passed examinations in accordance with the Personnel Code under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;
- 4) By persons employed as of present-employees-- August 23, 1978; who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois shall be continued in their positions without further examination;
- 5) By persons employed as of present-employees-- August 23, 1978; who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period to jurisdiction B; who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois shall be continued in their positions providing that they have passed a qualifying examination within twelve--12 months after August 23, 1978;
- 6) Persons employed as of present-employees-- August 23, 1978; or past employees who have rights or privileges arising under the Personnel Code [20 IICs 415.111]--Rev-Stat-#997--ch-#277 para--6•et--#277 under the Governor of Illinois and who shall be continued in the extent of such rights and privileges;
- 7) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 500.260(a)(1);
- 8) Emergency appointment for a period not in excess of ninety-90 calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. Such appointments may not be renewed;
- 9) By intermittent appointments from an eligible list to positions not to exceed 1200 hours per year (12 month periods), minimum of 600 hours, to meet the operation needs of a department in periods

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of increased workloads;

11.14 By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director. Such appointments shall not exceed six (6) months out of any twelve-
11 month period;

12.14 By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed six (6) months out of any twelve-
12 month period;

13.14 By the transfer of employees from one position to another if the qualifications, responsibilities, duties, and salary range are similar;

14.14 By reinstatement of persons who formerly held certified status under the Code, the Personnel Code of Illinois, the Secretary of State Merit Employment Code, or the University Civil Service System of Illinois. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems;

15.14 By reemployment of an employee whose name appears upon a employment list; such reemployment may be made to positions in the same or lower salary range as to that salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;

16.14 By the appointment of trainees into training programs approved by the Director; such appointments may be made with or without examination of applicants; trainees do not acquire any rights under jurisdiction B of the Code by virtue of trainee appointments;

17.14 By the reduction in rank or class of an employee, for cause, with the prior approval of the Director;

18.14 By the transfer of active, certified employees from the jurisdictions of the Personnel Code of Illinois, the Secretary of State Merit Employment Code or the University Civil Service System; persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

u) Types of Status: The following types of appointments may be made by the Director:

1) Exempt:

A) For persons in positions not subject to jurisdiction B. If an exempt employee's position becomes subject to jurisdiction B by reason of extension of jurisdiction B, pursuant to Section 10 of the Merit Employment Code (LCS 410/10), such employee shall establish eligibility for such position by passing satisfactorily a qualifying examination prescribed by the Director within six (6) months

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examination prescribed by the Director within six (6) months after the extension of jurisdiction B to such position.

B) In all other cases, if an exempt employee's position becomes subject to jurisdiction B, such employee shall establish eligibility for such position within six (6) months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

2) Executive: For persons selected to meet emergency situations, such appointments shall not exceed ninety (90) days, shall not be renewed, and may be made without regard to an eligible list. Notices of selections and terminations shall be reported to the Director.

3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six (6) months out of any twelve-
12 month period.

4) Interim: For persons in positions to perform intermittent work. No position shall be filled by interim appointment for more than 1200 hours out of any 12 month period, a minimum of 600 hours.

5) Provisional: For persons in positions for which there are fewer than three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than six (6) months out of any twelve-
12 month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such position shall be established within ninety (90) days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.

6.15 Probationary: For persons appointed from an eligible list. For persons receiving a promotion and for persons being reinstated, if a probationary employee's position is declared exempt from jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.

7.15 Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from jurisdiction B, certified status shall be retained in that position.

8.15 Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.

v) Extension of Jurisdiction B:

1) Employees in positions to which jurisdiction B is extended pursuant to Section 10 of the Merit Employment Code (LCS 410/10), shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director within six (6) months

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After such jurisdiction is extended and provided, they satisfactorily complete their respective probationary periods.

- 2) Appropriate standards for probationary appointments shall be prepared by the Director and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by ranking instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by this Part of any position held by any such incumbent.

(Source: Amended at 21 Ill. Reg. 1329;) effective

Section 500.225. Intermittents

- a) Intermittent Positions: The Director shall as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in place of permanent positions. Appointments shall be made to such positions in the same manner as appointments to permanent positions.
- b) Limitations on Intermittent Employees: An intermittent employee shall be subject to the following limitations and conditions of employment, but shall otherwise be covered by the full benefits of Jurisdictions A, B and C:

 - 1) An intermittent employee shall not be used as a replacement for a permanent employee but may substitute for an absent employee.
 - 2) An intermittent employee shall work a maximum of 200 hours per year (12-month period), minimum of 600 hours. An effort shall be made to balance the hours worked among intermittent. An intermittent employee who works more than 1200 hours shall be reassigned in accordance with Section 500.10(a), (b) and (c) to a permanent full-time position. An intermittent employee offered work less than the minimum of 600 hours shall be considered suspended without cause and may retrieve or appeal in accordance with the applicable rules regarding suspension.
 - 3) The continuous service of an intermittent employee shall be computed on the basis of hours worked. Each 7 hours being equivalent to one day.
 - 4) An intermittent employee shall accrue sick and vacation leave on a recorded basis, dependent upon the amount of time in pay status during a given month.
 - 5) An intermittent employee shall receive full pay for an official holiday if scheduled to work that day of the week and if he or she works the last scheduled work day before the holiday and the

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First scheduled work day after the holiday.

- 6) An intermittent employee refusing to be scheduled three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24-hour notice of scheduling unless proof of illness or death in the family is presented.
- 7) A semiannual review of the intermittent program shall be made by the Director of Human Resources to insure compliance with this Part.

(Source: Added at 21 Ill. Reg. 1329;) effective

Section 500.250 Probationary Status

a) Probationary Period:

- 1) A probationary period of six (6) months (910 hours for intermittent employee) shall be served by:
 - A) An employee who enters service or commences a new period of continuous service;
 - B) An employee who is reinstated as provided under Section 500.250(a);
 - C) An employee who is appointed from an open competitive eligible list, whether or not it is considered an advancement in rank or grade. Trainees whose positions are allocated upward may achieve probationary status pursuant to Section 500.220(c).
- 2) A probationary period of three (3) months (455 hours for intermittent employee) shall be served by an employee who is demoted or promoted except a demoted probationary employee shall not be promoted to a supervisory or probationary period if the employee previously held certified status in the class to which demoted.
- 3) A probationary period of three (3) months (455 hours for intermittent employee) shall be served by an employee who is demoted or promoted to a supervisory or probationary period if the employee previously held certified status in the class to which demoted. A probationary employee transferred during the probationary period shall serve the portion of the probationary period which was not completed at the time of such transfer.
- 4) If an employee is absent from work for more than fifteen (15) calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, work-related injury, or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

- b) Certified Status: A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be sent to the employee and department head by the Director promptly thereafter.
- c) Status Change in Probationary Period: An employee may not be

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promoted, demoted, discharged or transferred during the probationary period without the approval of the Director.

(Source: Amended at 21 Ill. Reg. 450-2, effective _____)

Section 500-280 Layoffs and Reemployment

a) **Layoff Procedure:**

- 1) A department head may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of position for any of these reasons. Based on class, department, or other designations, layoffs shall be within organizational units justified by operations and approved prior to the layoffs by the Director.
- 2) A proposed layoff is subject to the approval of the Director before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:
 - A) A list of all employees showing status and total continuous service;
 - B) A listing of those employees to be laid off;
 - C) Performance records of all employees in classes affected by layoff plan;
 - D) An explanation of any layoff not in order of continuous service;
 - E) An explanation of the organizational unit selected, reflecting department, facility, geographical, operational, and other elements deemed relevant by the department head.

b) **Order of Layoff:** The following order shall be observed in making layoffs:

- 1) No certified or probationary employee may be laid off until all temporary, intermittent, emergency, provisional, and exempt employees in the same class and organizational unit are terminated;
 - B) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.
- 2) Within status groups and accordance with the layoff plan submitted under subsection (a) of this Section 500-280(a), consideration shall be given to performance records and continuous service as defined in Section 500-230(a).
- c) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ten (10) days after the Director's approval of the layoff plan.
- d) Disapproval: The Director may disapprove any layoff plan which results in a disproportionate impact on affected employees within the same race, sex, or religious group.

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e) **Reemployment Lists:**

- 1) The department shall establish and maintain a reemployment list, by class, department, county, or other designated geographical area approved by the Director before layoff. A certified employee who has been laid off shall be placed in order of length of continuous service as defined in Section 500-230(a) on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties), department, county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes whose dates are substantially similar to the class from which the employee was laid off.
- 2) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 500-280(b).

f) **Employment from Reemployment List:** Whenever there is any person available on a reemployment list for recall to a vacant position of the same class, or related classes where such have been established pursuant to subsection (e) of this Section 500-280(a), department, county, or other designated geographical area, no temporary, provisional, or probationary appointment shall be made to such position.

g) **Removal of Name From Reemployment List:**

- 1) A laid off employee's name shall be removed from the reemployment list when:
 - A) The employee is recalled from layoff;
 - B) The employee refuses an offer of permanent reemployment;
 - C) The employee's name has remained on the reemployment list for twenty-four (24) months;
 - D) The employee has been rehired in accordance with Section 500-280(b).

2) **Offers of Temporary, Exempt, or Emergency Appointment:** shall not be considered as recall or reinstatement.

h) **Laid Off Probationary Employees:**

- 1) The name of an original entrance employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to eligible list with the same grade as when appointed.
- 2) An employee serving a probationary period subsequent to promotion from a position in which the employee was certified who is to be laid off shall be given notice, and may request a voluntary reduction pursuant to Section 500-285(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order as provided in Section 500-230(a) on the reemployment list for the department.

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work location, and title in which certified.

i) Reconsideration Request Laid of Certified Employee:

1) Within fifteen--15 calendar days of receipt of notice of a certified employee's layoff and without prejudice to the right to request voluntary reduction, such employee may directly petition the Director of Personnel in writing for reconsideration of the decision approving the layoff.

2) In the event a request for reconsideration is made, the Director shall designate a hearing officer to hear, review, and investigate the application of this Part and the validity of the layoff and who shall submit findings to the Director for final determination. Notice of the final decision of the Director shall be served on the employee or by certified mail, return receipt requested, to the employee's last address appearing in the personnel file.

(Source: §Appended at 21 Ill. Reg. 1329A, effective 1 SEP 5, 1997)

Section 500.320 Leave of Absence

a) Sick Leave: All employees, excepting those in emergency, intermittent, per diem, or temporary status unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one $\frac{1}{2}$ day for each month's service. Intermittent employees shall accrue sick leave on a prorated basis. Sick leave may be used for illness, disability, or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used for not more than thirty--30 days in one $\frac{1}{2}$ calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family. The Department may require evidence to substantiate that such leave days were used for the purposes herein set forth.

b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave allowed under this Part and shall retain any unused sick leave accumulated prior to the effective date of this Part.

c) Advancement of Sick Leave: An employee with more than two years continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than ten--10 working days with the written approval of the department head and the Director. Such advances will be charged against sick leave accumulated later in subsequent service. If an employee is terminated prior to repayment of advanced sick days, one day's pay for each day owed shall be retained by the agency or repaid by the employee.

d) Leave for Personal Business: All employees, excepting those in emergency, per diem, or

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temporary status, shall be permitted twenty-one--21 hours (or the equivalent thereof) 3½ working days) of leave for personal business each calendar year with pay. Intermittent employees shall receive leave for personal business on a pro-rated basis. Such personal days may be used for occurrences or observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons but shall not be used to extend a holiday or annual leave except as permitted in advance by the department head through prior written approval. Employee entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of three--and-one-half--3 1/2 hour tone--one-half (1/2 day) for each two $\frac{1}{2}$ months service for the calendar year in which hired. Such personal leave may not be used in increments of less than one $\frac{1}{2}$ hour at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

2) Personal leave shall not accumulate from calendar year to calendar year.

e) On-the-Job Injury -- Industrial Disease: An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay during the first calendar week of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be entitled to utilize accumulated sick leave. In the event of such service-connected injury or illness becomes the subject of an award by the Industrial Commission, the employee shall restore to the State the dollar equivalent which duplicates payments received as sick leave days and the employee's sick leave account shall be credited with sick leave day equivalents. f) Leaves of Absence Without Pay: Unless otherwise provided in this Part, and with the prior approval of the Director, a department head may grant leaves of absence without pay to employees for periods not to exceed six (6) months, and such leaves may be extended for good cause by the department head for additional six (6) month periods with the Director's approval. No emergency or temporary employee shall be granted a leave of absence except as provided in subsection (e) above.

g) Leaves of Absence -- Special: The Director may grant special leaves of absence to employees for purposes of education, attendance at professional or union conventions, or for similar reasons wherein a benefit would accrue to the skills of the workforce.

h) Leaves of Absence -- Special -- Salary: The Director shall determine for each special leave of absence that is approved, whether such leave shall be with or without pay, full or partial.

i) Maternity Absence:

1) Employees shall be granted leaves of absence to cover the period of their pregnancy. The length of such leave shall not exceed six months but may be renewed pursuant to subsection (f) above.

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A) A pregnant employee shall inform her immediate supervisor and the Department of Personnel of her condition not later than three (3) months prior to her expected date of delivery and shall present to the Department of Personnel a written statement signed by her physician stating the expected date of delivery.

B) A pregnant employee may continue in regular employment so long as her physician, upon request by the Director, states in writing she is able to perform her normal work assignments.

C) An employee who has been absent because of maternity leave may return to employment as soon as her physician advises the Department of Personnel in writing that she is then able to perform her normal work assignments.

D) If the department head or Personnel Director has reason to believe that the employee is unable to perform her duties, he/she may seek and rely upon the decision of an impartial physician chosen by agreement of the parties. In the absence of agreement of an impartial physician, the Director will select a physician who is to act as an impartial physician.

E) Sick leave may be used to cover periods of absence during pregnancy and convalescence therefrom.

F) Leave to Take Exempt Position: The Director may approve leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one (1) year or less and may be extended for additional one (1) year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the department with continuous service including the period of such leave.

G) Military, Job Corps and Peace Corps Leave: Leaves of absence shall be allowed employees who enter military service, the Peace Corps, or Job Corps as provided in Section 500.230(d) and (f) and as may be required by law.

H) Leave for Annual Military Reserve Training or Special Duty:

I) An employee who is a member of reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia shall be allowed leave with pay not to exceed one (1) full pay period annually without loss of any other accrued benefit.

J) If time required on any of the types of military service covered by this Part exceeds one (1) full pay period in any one fiscal year the employee shall be granted additional leave without pay by the employing department provided, however, that during periods of active service to meet emergencies as proclaimed by the Governor, the employee shall be granted a leave of absence with pay. Upon receiving the sum paid for such service under the

Illinois Military Code, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original agency payroll warrant was drawn. In the event the military pay is greater than the State compensation for the period of emergency call-out, the employee shall retain the military pay and return to the department the amount the agency paid the employee for the period.

K) An employee shall provide the department with certification by the commanding officer of the employee's unit that all leave time was used for the purpose for which granted. Any employee drafted into military service shall be allowed up to three (3) days leave with pay to take a physical examination required by such draft. Upon request, the employee must provide the department with certification by a responsible authority that the period of leave was actually used for such purpose.

L) Leave to Public Office: Employees who are elected to public office shall, upon request, be granted a leave of absence without pay for so long as he/she remains an elected public office and he/she shall be returned to the same or comparable position on which he/she was on leave providing he/she so requests within thirty (30) calendar days following termination of his/her elected office.

M) Employee Rights After Leave: When an employee returns from a leave of absence of six (6) months or less, the department shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to the commencement of such leave. Except for those leaves granted under subsections Section 500.230(j) and (k) of this Section, when an employee returns from a leave of leaves exceeding six (6) months and there is no vacant position available to him/her in the same class in which the employee was incumbent prior to such leave or leaves commencing, the employee may be laid off without consideration of continuous service and if laid off, the employee's name shall be placed on the reemployment list.

N) Failure to Return: Failure to return from leave within five (5) days after the expiration date may cause for discharge.

O) Attendance in Court: Any permanent employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill such call or subpoena on accrued time off and personal leave and retain the full amount received for such service.

P) Temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received

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therefor.

(Source: Amended at 21 Ill. Reg. 1329A, effective SEP 1, 5, 1997)

Section 500.330 Holidays

a) Authorized Holidays: All employees shall have time off, with full salary payment, on the following holidays:

New Year's Day
 Martin Luther King Day
 Lincoln's Birthday
 Washington's Birthday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veterans' Day
 Thanksgiving Day
 Day After Thanksgiving
 Christmas Day
 General Election Day (on which members of the House of Representatives are elected)

and any additional days proclaimed as holidays or non-working days by the Comptroller or the State of Illinois or by the President of the United States.

b) Holiday Observance: Where employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following twelve month period to the employee and consistent with the department's operating needs.

c) Holiday During Vacation: When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an extra day shall be added to the employee's vacation.

d) Eligibility for Holiday Pay: To be eligible for holiday pay, the employee shall work the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless an absence on either or both of these work days is for good cause and approved by the department head. Intermittent employees are eligible for holiday pay under conditions stated in Section 500.225(b)(1).

e) Holidays -- Regional or Special: The Comptroller or the Director may grant employees full or partial days off with pay to meet the unique needs of any region or area within the State. Such special time off shall not accrue to any other employee in any other region or area of the State.

(Source: Supped at 21 Ill. Reg. 1329A, effective SEP 1, 5, 1997)

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Section 500.340 Vacation

- a) Eligibility: Employees, except emergency, temporary, and those paid pursuant to Part II, Section 2, of the Pay Plan, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- On and after July 1, 1979: Eligible employees shall earn vacation time in accordance with the following schedule:
 - 1) From the date of hire until the completion of five (5) years of continuous service: ten--10½ working days per year of employment.
 - 2) From the completion of five (5) years of continuous service until the completion of nine (9) years of continuous service: fifteen (15) working days per year of employment.
 - 3) From the completion of nine (9) years of continuous service until the completion of fourteen (14) years of continuous service: seventeen (17) working days per year of employment.
 - 4) From the completion of fourteen (14) years of continuous service until the completion of nineteen (19) years of continuous service: twenty (20) working days per year of employment.
 - 5) From the completion of nineteen (19) years of continuous service until the completion of twenty-five (25) years of continuous service: twenty-two (22) working days per year of employment.
 - 6) From the completion of twenty-five (25) years of continuous service: twenty-five (25) working days per year of employment.
- b) Vacation time may be taken in increments of not less than one-half (1/2) day at a time, any time after it is earned, provided the employee has at least six (6) months of continuous service since latest date of hire. Vacation time shall not be accumulated for more than twenty-four (24) months after the end of the calendar year in which it is earned.
- c) Intermittent employees. Intermittent employees, intermittent employees shall earn vacation in accordance with the schedule set forth in subsection (b) of this Section on a pro-rated basis.
- d) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service.

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1) Heading of the Part: Certificate of Certified Public Accountant

2) Code Citation: 23 Ill. Adm. Code 1400

3) Section Number(s):
Adopted Action:
 Amended
 1400.10
 1400.20
 1400.30
 1400.40
 1400.50
 1400.55
 1400.60
 1400.70
 1400.80
 1400.90
 1400.105
 1400.110
 1400.115
 1400.116
 1400.117
 1400.160
 1400.175
 1400.180
 1400.190
 1400.210

4) Statutory Authority: Implementing Sections 2, 2.1, 5, 5.1, and 6 of the Illinois Public Accounting Act (225 ILCS 450/2, 2.1, 3, 5, 5.1 and 6; authorised by Section 26 of the Illinois Public Accounting Act [225 ILCS 450/26].)

5) Effective Date of Amendments: September 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: September 16, 1997

9) Notice of Promulgation Published in Illinois Register: June 21, 1997; 21 Ill. Reg. 7808

10) Has JCAR issued a Statement of Objection to this Rule? No

11) Difference(s) between proposed and final version: In addition to minor grammatical and typographical changes as recommended by the Administrative Code Unit, a provision was added to provide for disqualification of hearing officers for bias or conflict of interest.

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12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Rule: In addition to making several nonsubstantive changes for consistency and clarity, provisions for hearings are expanded to provide greater due process for applicants, candidates and others denied admittance to the CPA examination or accused of violations. To assure fairness and security of the exam, a Section is added prohibiting specified types of misconduct and providing penalties therfor, and to enforce confidentiality and non-disclosure requirements of the CPA examination. Restrictions on Board members' involvement in exam review courses are added to avoid conflicts of interest. Provisions are added to allow proxy voting by Board members in limited circumstances and to allow presence at meetings by video and teleconference. Fees for taking the exam, for certification by reciprocity, and related services are increased to meet statutory requirements that the exam be self-supporting. A provision is made for candidates who wish to have a grade review. A provision is added to allow the Board to grant variances in limited situations.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Joanne Vician
Executive Director
Illinois Board of Examiners
505 E. Green Street
Room 216
Champaign, IL 61820-5723
(217) 332-1565

The full text of the adopted amendments begins on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VI: BOARD OF EXAMINERS

PART 1400

CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

Section	Administrative Functions
1400.10	Duties of the Board of Examiners
1400.20	Appointment to the Board of Examiners
1400.30	Board Address
1400.40	Organization and Compensation of the Board of Examiners
1400.50	Admission to the Examination - Issuance of Reciprocal Public Accountant EPA Certificates
1400.55	Filing of the Application and Payment of Fees
1400.60	Rebates of Fees
1400.70	Appeals; Hearings
1400.80	The Educational Requirement
1400.90	Examinations - General
1400.100	Examinations - Misconduct
1400.110	Uniform Examination Examinations - Non-Disclosure - Examinations - Required Confidentiality Statements
1400.115	Examinations - Violations
1400.116	Examinations - Penalties for Violation of Non-Disclosure Provisions
1400.117	Examinations - Frequency
1400.120	Examinations - Scope
1400.130	Examinations - Length
1400.140	Examinations - Preparations and Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
1400.150	Failure in All Subjects - Re-Examination
1400.152	Candidate Requests for Grading Review
1400.180	Certified Public Accountant e-PPAR Certificate - Awarding
1400.190	Retention of Records
1400.200	Disposition of Fees
1400.210	Granting Variances

AUTHORITY: Implementing and authorized by Section 26 of the Illinois Public Accounting Act (225 ILCS 450/26).

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency

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amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1100 (Board of Trustees) pursuant to 225 ILCS 450/1 (January 1, 1994 to 19 Ill. Reg. 6325); amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13-3-15, effective SEP 26, 1997.

Section 1400.10 Administrative Functions

The administrative functions of the Board of Examiners [the Board], University of Illinois under the Illinois Public Accounting Act [the Act] as-amended shall be performed by an Executive Director and a Deputy Director of the Board of Examiners, appointed by and responsible to the Board.
(Source: Amended at 21 Ill. Reg. 13-3-15, effective SEP 26, 1997.)

Section 1400.20 Duties of the Board of Examiners

- a) The Board of Examiners [hereinafter called the "Board"] shall receive all applications for examinations under the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall issue letters of admission to the examinations designating the date and place of the examinations to applicants who have satisfied all requirements of the Act and this Part.
- b) The Board shall designate the times and places of all examinations under the Act, shall have the University advertise same according to the provisions of the Act law, and shall arrange for the conduct of such examinations.
- c) The Board shall request that arrangements be made for the conduct of the examination questions from the American Institute of Certified Public Accountants (AICPA) to be delivered to examination sites and placed in a secure location until time for use at the examinations as advertised.
- d) The Board shall determine the grades of all candidates who have taken the examinations under this Act and shall certify to the President of the University the names of the candidates who attain passing grades and satisfy the other qualifications prescribed by the Act and this Part.
- e) The Board shall receive all applications for the certified public accountant e-PPAR certificate filed under Section 5 of the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall certify to the President of the University the names of the applicants whose qualifications have been determined by the Board to who comply with the provisions of this Part Section.
- f) The Board shall receive all applications for the certified public accountant e-PPAR certificate filed under Section 1400.116(d) of this Part, shall examine all evidence submitted in support of or in opposition to the applications, and shall certify to the Board the applications.

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President of the University the names of the applicants whose qualifications have been determined by the Board to comply with the provisions of the Act and this Part.

g) fees—collected—under—this—Part—will—be—deposited—with—the University and the University shall be responsible for payment of all expenses—incident—to this Act—the Executive Director shall certify all statements of expenses and fees of the Board.

(Source: Amended at 21 Ill. Reg. 13315, effective Sept 26, 1997)

Section 1400.30 Appointment to of the Board of Examiners

The members of this Board of Examiners having the qualifications as specified in Section 2 of the Act, shall be nominated as provided in Section 1400.50(c)(3). The nominations shall be forwarded to the President of the University who shall forward them to the University of Illinois Board of Trustees (Board of Trustees).

(Source: Amended at 21 Ill. Reg. 13315, effective Sept 26, 1997)

Section 1400.40 Board Address

a) The mailing address of the Board is:

Board of Examiners
Room 216
19-Henry Administration-Building
505 S. Wright Street
Urbana—161803

b) The location of the Board Office where the Board posts notices of Board for inspection and copying and where the Board posts notices of Board and Board Committee meetings are posted pursuant to the Open Meetings Act [5 ILC 120] at:

Champaign, Illinois 61800-5723
505 S. Green
Room 216

c) The Board's telephone number at which the public may request information on the examination, including an application to sit for the examination, dates of the examination, the location where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-1565.

d) The Board's fax number, through which the public may submit written requests for information on the examination, including an application

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to sit for the examination, dates of the examination, the locations where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-1565. PLEASE NOTE: A candidate may not submit an application to sit for the examination via fax.

13315, effective Sept 26, 1997)

Section 1400.50 Organization and Compensation of the Board of Examiners

- a) The Board shall annually elect a Chair and a Vice-Chair as officers of the Board, to serve a one year term from August 1 through July 31 of the following year, as follows:
 - 1) On or before August 1 of each year, members of the Board members who have been duly appointed pursuant to Section 2 of the Act to serve during the subsequent year will meet to elect from among the Board members a Chair and Vice-Chair.
 - 2) The nominating committee created under subsection (c)(3) of this Section shall propose one nominee for Chair and one nominee for Vice-Chair. The recommendations of the nominating committee shall be forwarded to each member of the Board by June 1 of each year.
 - 3) Nominations in addition to those made by the nominating committee may be made by any three Board members at or before the meeting at which the officers shall be elected.
 - 4) The only first order of business at the meeting shall be the election of the Chair and Vice-Chair. The meeting shall be presided over by the previous year's Vice-Chair, or such other Board member as the Board may agree upon.
- b) If only one person is nominated for an office, election may be by voice vote. If more than one person is nominated, election shall be by secret ballot. In order to be elected Chair or Vice-Chair, a Board member must receive no fewer than five 5 votes.
- c) Duties of Chair, Vice-Chair and Board Members: Removal of the Chair, Vice-Chair and Board Members: Removal of the Chair shall preside at all Board meetings, shall prepare an agenda for Board meetings, shall assign Board members to serve at the times and examination sites necessary for each examination, and shall serve as Officer-in-Charge of all the examination site during such examination. The Chair will make appointments as indicated in subsection (c) of this Section and shall supervise the activities of the Executive Director in accordance with the Board directives and policy.
- d) The Vice-Chair shall preside at Board meetings in the absence of the Chair, shall serve as Chair during any term of disability of the Chair, shall serve as the remainder of the term in the event of the death, resignation or removal of the Chair, and shall serve during each examination as Officer-in-Charge of an examination

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site other than the site at which the Chair serves.

- 3) Board members are expected to attend all Board meetings, to accept assignment by the Board Chair to and attend all meetings of Board Committees, and to accept and fulfill the assignments by the Board Chair to attend and supervise examination sites unless otherwise prohibited from doing so under Section 1400.110 of this Part.
- 4) The Chair or Vice-Chair of the Board may be removed from his or her position as an officer of the Board by the affirmative vote of six (6) Board members at any regular Board meeting or at any special Board meeting called for that purpose. Not less than seven days written notice shall be given to each Board member of the intent to call for a vote to remove the Chair or Vice-Chair from his/her office.
- 5) Any Board member who misses three consecutive Board meetings, or four or more consecutive Board and/or Board Committee meetings, without an excuse reasonably acceptable to the Chair, shall be subject to removal by the Chair—consented—to—have—resigned his/her position on—the—Board. For the purposes of this subsection (b)(5), failure to fulfill an assignment by the Chair to attend and supervise an examination site shall constitute failure to attend a Board meeting for each day or portion of a day missed. The Chair shall accept as an excuse such reasons as illness of the Board member, serious illness or death of a family member, unavoidable conflict with other professional commitments, and other reasons which make it highly difficult or impossible for a Board member to fulfill his/her obligations. A Board member's previous attendance record may be considered by the Chair in determining the reasonableness of an excuse offered by the Board member. Any Board member removed by operation of this subsection (b)(5), or whose excuse for failure to attend a Board meeting or Board committee meeting is not reasonably accepted by the Chair, may appeal to the full Board. In the event of such an appeal, in order to uphold the Chair's determination and/or removal of a Board member, the Board must affirm the determination or removal by an affirmative vote of five Board members, of which the Chair may be one.
- c) The Chair shall appoint the following committees:
 - 1) An Administrative Committee, composed of three members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Administrative Committee is to review and make recommendations to the Board for changes in the Board rules and policies as may be appropriate or necessary. The Committee shall undertake additional responsibilities as delegated by the Board or the Board Chair.
 - 2) A Finance Committee, composed of the Chair or Vice-Chair of the Board, and such additional member(s) as the Board or Board Chair may determine. The Board Chair or Vice-Chair shall serve

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as Chair of the Finance Committee. The function of the Finance Committee is to prepare and recommend a budget for Board approval, to make such recommendations for adjustment of fees as it deems necessary or appropriate, and to maintain oversight of the financial operations of the Board to treasurer—committee—with the—Act. The Board's budget, applicable laws and regulations relating to financial issues, and any accounting procedures adopted by the Board.

A Nominating Committee composed of the immediate past Chair, two members of the current Board and two former members of the Board, the function of the Nominating Committee shall be to nominate members to the Board to fill vacancies on the Board and to nominate officers for the Board as set forth in subsection (a)(2) of this Section. The Nominating Committee shall prepare its recommendations by April 1 of each year for nominations to fill the terms of Board members whose terms expire July 31 of that year. The Nominating Committee shall also meet at such other times as may be necessary to make nominations to fill positions that have been vacated due to the death, resignation or removal of a Board member. In carrying out its duties to nominate individuals to the Board, the Nominating Committee shall give preference to current Board members who are eligible for an additional term, unless the individual has requested that he/she not be reappointed. To avoid conflicts of interest and the appearance of conflicts of interest, before any person is nominated to the Board, he or she shall agree that from the time of appointment to the Board and for one year following termination of his or her Board service, the nominee will not practice in any capacity or have any interest in a CPA examination committee or review course of any kind, and will not engage in any capacity or enter into any relationship that might involve or reasonably appear to others to involve a conflict of interest with his or her position as a Board member. The Nominating Committee will also consider recommendations from candidates with past Board members and the Professional associations of certified public accountants *Leadership of the Illinois-CPA Society* in developing its recommendations. The Nominating Committee shall nominate only that number of individuals as are needed to fill vacancies on the Board. The Nominating Committee shall forward its nominations to the President of the University Board of Trustees.

4) A Candidacy Committee, composed of three or more members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Candidacy Committee will be to review questions that arise regarding qualifications of applicants for examination and requests from applicants candidates for a waiver or deferral under Section 2 of the Act,

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for other relief under the Americans with Disabilities Act or similar laws, and determine the disposition of such petitions, pursuant to Section 1400.80 of this Part. The Board and the Disability Committee shall also make such recommendations to the Board for promulgation of rules or policies with regard to the application of the provisions of the Act, or for waiver or deferral under Section 2 of the Act, or for other relief under the Americans with Disabilities Act or similar laws, as it deems appropriate.

5) A State liaison to provide liaison between the Board and such other professional associations of certified public accountants as the Board shall deem appropriate regarding current issues in the accounting profession.

6) Such other committees as the Chair or Board shall deem to be necessary to carry out the duties and responsibilities of the Board.

7) Except as may be specifically authorized by the Board or by rule, the actions of any Committee shall be advisory only and are subject to approval or rejection by the Board.

Board and Committee Meetings

- 1) Board meetings shall be at such times, dates and places as may be determined by:

- A) the Board, which shall at its meeting at which officers are elected, establish dates for the following year at which regular meetings of the Board shall take place;
- B) call of the Board Chair, a notice of which shall be communicated to all Board members not less than 15-14 days prior to the date of the meeting, except as provided in subsection (d)(1)(D) below, and which notice shall specify the subject or subjects to be discussed;
- C) call of any three Board members, a notice of which shall be communicated to all Board members not less than 15-14 days prior to the date of the meeting, except as provided for in subsection (d)(1)(D) below, and which notice shall specify the Board members calling for such meeting and the subject or subjects to be discussed; OR
- D) on an emergency basis by the Chair or any three Board members, on less than 15-14 days notice, in which case notice shall be given no less than 48 hours before the date of the meeting and shall specify the Board member(s) calling for such meeting and the specific subject or subjects to be discussed and the emergency which is the basis for calling a meeting under the provisions of this subsection (d)(1)(D).

- 2) For the purpose of notice required by subsection (d)(1) above, such notice may be waived by unanimous consent of all Board members reflected by a written statement signed by all Board members and placed in the official minutes of the meeting.
- 3) Committee meetings may be called by the Board Chair if

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NOTICE OF ADOPTEA A MEMBER

Committee. Notice of the time, date and place of a Committee meeting and the subjects to be discussed shall be communicated to all Committee members and the Chair of the Board not less than 14 days prior to the date of the meeting. Notice may be waived by unanimous consent of all Committee members, which notice shall be reflected by a written statement signed by all Committee members and placed in the official minutes of the meeting.

Any actions taken at a meeting for which notice fails to comply with the above requirements shall be null and void.

with the notice requirements or this section shall be void and no effect.

5) A quorum of the Board necessary to conduct the business of the Board, except as specified in subsection (a)(5) of this Section, shall be by a majority vote of those present at the Board meeting.

6) A quorum of any Board Committee shall be a majority of the members appointed to the Committee. Committee action shall be by a majority of Committee members present, except as may be specified by the Board Chair or Committee Chair in the case of a delegation of specific Board authority to a Committee.

71 At all Board and Committee meetings, except hearings conducted under the provisions of Section 1400.80 of this Part, any Board member may designate another Board member to vote, as his or her proxy, on his or her behalf, on any issue before the Board, such designation must be in writing and shall clearly set forth the extent of the grant of authority, the specific issue or issues to which the grant of authority applies, and any limits or restrictions to which the grant of authority is subject to. The Board member receiving the proxy authority may, if present, exercise any or all authority granted under the terms of the proxy or choose to decline exercise of all or any portion of such authority.

81 For purposes of this Part, any Board member will be considered present at any meeting of the Board or Board committee, except as specified in the provisions of Section 1400.80 of this Part. If one or more Board members are physically present, but one or more Board members are not physically present, the Board meeting shall be deemed to be valid proxy to a Board member who is otherwise present, or takes part in the meeting and deliberations by teleconference and/or video conference.

917 Compliance with the Open Meetings Act (5 IICR 1201). The Executive Director shall publish notice of all meetings of the Board and Board Committees by posting a notice and agenda thereof at the Board Office.

e) Members of the Board of Trustees shall be reimbursed for travel according to the rates approved by the Higher Education Travel Control Board of Illinois (80 IL Admin. Code 2000) and other necessary expenses and shall receive an honorarium as follows for conducting each examination and for all other services rendered in connection therewith:

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duties imposed upon them by the Act: Board Chair and Vice-Chair, \$4,908; chairmen and vice-chairmen, \$4,908; other members, \$1,245. \$44,000. Both of the foregoing figures will both be adjusted annually for Cost of Living using United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers. Deputies of the Board will receive an honorarium of \$1,629. \$1,968 for conducting each examination and expenses incurred in connection with the examination. The Deputy honorarium is also to be adjusted annually for Cost of Living using United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers.

(Source: Amended at 21 Ill. Reg. 753, effective _____)

Section 1400.35 Admission to the Examination; Issuance of Reciprocal Certified Public Accountant EPA Certificates

a) The Executive Director, on behalf of the Board, shall:

- 1) issue a letter of admission to the examination to any applicant who has timely filed an application along with the required fee and evidence of compliance with all requirements of the Act and this Part;
- 2) issue a certificate as a certified public accountant to any individual who holds a valid, unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States, or the District of Columbia, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5 of the Act;

3) issue a certificate as a certified public accountant to any individual who holds a foreign designation granted in a foreign country, entitling the holder thereof to engage in the practice of public accounting, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5.1 of the Act.

b) In cases in which the Executive Director has denied an application under subsection (a)(1), (2), or (3) of this Section, and in cases in which an applicant requests a special consideration under any other provision of the Act or this Part, or under any other applicable law, the Executive Director shall refer the case to the Candidacy Committee established under Section 1400.50(c)(4).

c) The Candidacy Committee shall review all applications referred to it under Section 1400.50(b), including all documents and evidentiary exhibits submitted by the applicant, within 15-30 days after receipt of requests for special consideration by the Executive Director.

d) The Candidacy Committee may, in cases in which expert testimony is submitted by an applicant, require that an applicant undergo evaluation by an expert retained by the Board, at the Board's expense.

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The evaluation shall be at a time and place reasonably convenient to the applicant. A copy of the results of the evaluation shall be made available to the applicant upon the applicant's request.

e) A vote of a majority of the two members of the Candidacy Committee shall be necessary to take any action. The Executive Director shall advise each applicant by mail to the address listed on the application, within 15 seven days after the determination by the Candidacy Committee.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.60 Filing of the Application and Payment of Fees

a) Applicants for the examination for the certified public accountant EPA certificate under the Act shall obtain an application from the Board Office listed in Section 1400.40(a) and (b). The applicants must file their applications with the Board together with official transcripts of academic records to establish their eligibility. The application fee as authorized in Section 6 of the Act must accompany each application for examination, re-examination, reciprocity and transfer of examination grades. The schedule of fees is ~~shall be~~ as follows:

- 1) Candidate writing for the first time
\$200 \$266.00
- 2) Candidate transferring conditional credit from another jurisdiction
\$200 \$266.00
- 3) Candidate for re-examination in all subjects
\$300 \$366.00
- 4) Candidate writing three-half-day sessions
\$240 \$295.00
- 4½ Candidate writing two half-day sessions
\$240 \$295.00
- 5½ Candidate writing one half-day session
\$215 \$265.00
- 6½ Candidate from another jurisdiction being proctored in Illinois
\$140 \$192.00
- 7½ Application for certificate under Section 5 of the Act
\$240 \$266.00
- 8½ Application for certificate under complete transfer of examination grades pursuant to Section 1400.16(0)d
\$300 \$266.00
- 9½ Fee for certification of valid Illinois certified public accountant certificate
\$300 \$266.00
- 10½ Fee for foreign credentials evaluation certificate
\$30 \$25.00
- 11½ Application fee
\$200 \$366.00
- b) The Board shall establish and collect a fee of \$2.25 per page for letter and legal size copies as reimbursement for the cost of production and shipping of files and mailing labels of names and addresses of successful candidates and lists of names and

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addresses of applicants for examinations released as public information under the provision of Section 2 of the Act.

(Source: Amended at 21 Ill. Reg. 13325, effective 13325)

Section 1400.70 Rebate of Fees

- a) Fifty percent only of the prescribed fee shall be returned to any applicant whose credentials have been submitted and examined but who is found not qualified to take the examination.
- b) Fifty percent only of the prescribed fee shall be returned to any applicant who fails to attend the examination provided notification that the applicant will not be present is received in writing by the Board at least 30 thirty-calendar days prior to the beginning of the examination.
- c) No fee shall be returned to any applicant who is present at the examination and withdraws for any reason after the beginning of the examination.
- d) The fee paid by a candidate from another jurisdiction who is being proctored in Illinois shall be non-refundable.
- e) In hardship cases, where applicants for the examination are prevented from attending for such reasons as unexpected illness, death in the immediate family, or call to active duty in the military service, fifty percent only of the fee may be returned provided that under the circumstances it was not reasonable possible for the applicants to notify the Board at least 30 thirty-calendar days prior to the beginning of the examination that they could not be present. Requests under this Section must be accompanied by proof of the hardship (i.e., doctor's verification, death certificate, obituary notice, copy of military orders, etc.).
- f) Fifty percent only of the prescribed fee shall be returned to applicants for certificates under the provisions of Section 5 of the Act or Section 1400.16(d) whose credentials have been submitted and examined but who are found not qualified for the Illinois certified public account EPA certificate.
- g) All other fees--both the prescribing fee and the foreign-orientation fee are non-refundable.

(Source: Amended at 21 Ill. Reg. 13325, effective 13325)

Section 1400.80 Appeals; Hearings

- a) An individual whose application or request is denied by the Candidacy Committee may, within 15 14 days after the mailing of notice of a denial or acceptance with modifications of his or her application, appeal to the Board by filing therewith a petition for hearing.

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- 1) The petition for hearing must be postmarked not later than 15 14 days after the postmark of the notice of denial or acceptance with modifications.
- 2) The petition for hearing need not be in any particular form, but shall include the name of the petitioner, the nature of the application or request which seeks to have the determination of the Candidacy Committee overruled.

- 3) A candidate charged with misconduct pursuant to Section 1400.105 of this Part, or any person charged with violation of the confidentiality provisions of Section 1400.110 of this Part, May, within 30 days following the date notified of the charge, file a petition for hearing before the Board to contest the charge and/or to present evidence and argument requested, hereto-in in imposition of penalties.
- 4) All petitions for hearing, if filed in accordance with subsection (a) or (b) of this Section, shall be heard by the Board, except that the members of the Candidacy Committee, any member of the Board who has brought the charge which is the subject of a hearing, under subsection (b), and any member of the Board who is a substantive witness at such hearing without prior notice and regard to the petitioner--candidate--who--files--the--petitioner--in--the--appeal shall be excluded from voting. If a petition for hearing fails to comply with subsection (a) or (b), as applicable, the Board shall deny the petition and notify the petitioner of the denial and the grounds therefor within 15 14 days. Individuals whose petitions have been denied for failure to comply with subsection (a) gr. (b), as applicable, may appeal that denial by filing a written petition in compliance with subsection (a), in which case the Board shall review and make a determination of the adequacy of the original petition based solely on written evidence submitted.

- 5) All hearings the hearing shall be considered a "de novo" hearing, and neither the Board nor the parties shall be limited to presenting or considering evidence that was previously presented to the Candidacy Committee. In hearings under subsection (a), the burden of proving facts which entitle the petitioner to the relief requested and of establishing an adequate legal basis for the relief requested, shall be on the petitioner who must sustain the burden of proof by a preponderance of the evidence. At a hearing to contest the validity of charges under subsection (b), the burden of proving the charge shall be on the accuser, who shall be required to prove the charge by a preponderance of the evidence.

- 6) Notice of Hearing. Upon receipt of a timely and sufficient petition, the Board shall notify the petitioner of the time, date and place of hearing, the fees--authority--and--justification--for--the hearing and reference to the substantive and procedural rules which will govern the hearing. The notice shall be sent by certified mail to the petitioner at the address shown on the petition not less than 15 14 days prior to the date of the hearing.

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L147 Continuances. Within seven days after the receipt of the notice of hearing, a petitioner may request a continuance of the hearing. The request must reach the Board Office not later than five days prior to the scheduled hearing date. The hearing officer shall reject a request for continuance unless the petitioner shows good cause why he or she cannot attend and present his or her case at the time, date and place indicated in the notice of hearing.

2) The hearing officer may order a continuance of any hearing at any time whether or not any evidence has yet been presented, as may be necessary to further the interests of justice and fairness. In the event a petitioner fails to appear, the Board may affirm the decision which is the subject of the appeal of the Illinois Bar Committee without further proceedings.

L147 All hearings shall be presided over by a hearing officer who shall be the board chair, or in his or her absence, or if the Board Chair is the person bringing the charge that is the subject of the hearing under subsection (b), or at the discretion of the Board Chair, Board member who is an attorney licensed to practice in this State or any other attorney licensed to practice in this State as may be appointed by the Board Chair. A hearing officer shall be disinterested on his or her own motion or upon motion by either party, upon a showing of bias or conflict of interest. Such bias or conflict of interest shall include, but not be limited to, the existence of a close family, business or financial relationship or interest between the hearing officer and the petitioner, any Board member or employee of the Board, or any witness. The hearing officer shall have the duty to insure a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. The hearing officer shall have all powers necessary to these ends, including but not limited to:

1) ruling upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;

2) regulating the course of the hearings and conduct of the parties and their counsel therein; and

3) interrogating witnesses.

L147 Petitioner may represent himself or herself at the hearing, or may be represented by an attorney licensed to practice in the State. The petitioner shall notify the Board, not less than five business days prior to the hearing, of the names and roles of all persons appearing before the Board on behalf of the petitioner. The decision of the Candidacy Committee, in addition, brought under subsection (a) of this Section, shall be presented represented by the Executive Director, a member of the Candidacy Committee who took part in decisions with regard to the particular applicant candidate who is the petitioner in the appeal, or by an attorney licensed to practice in this State. A charge heard under subsection (b) of this Section shall be presented

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by the Executive Director, or his or her designee, or by a Board member who has made the charge, or by an attorney licensed to practice in this State.

L147 The party bearing the burden of proof, petitioner, shall make a brief opening statement of his/her case, indicating the issues intended to be addressed, the facts sought to be established, and the action being requested of the Board. The opposing party Candidacy Committee may make an opening statement, indicating the basis of its decision and the issues upon which its decision was based.

2) The party bearing the burden of proof, petitioner, may present evidence and witnesses, after which the opposing party Committee may present evidence and witnesses. Following each witness, the other opposing party may cross-examine the witness, and the other members of the Board and/or the hearing officer may question the witness.

L147 In hearings under subsection (a) of this Section, all documents that were a part of the record available to the Candidacy Committee shall be admitted into evidence and copies thereof made available to the petitioner at the hearing, upon request, prior thereto. In addition, in all hearings the hearing officer shall admit evidence which is admissible under the rules of evidence pertaining to civil actions in Illinois, and shall admit material, relevant evidence which would be relied upon by reasonably prudent persons in the conduct of serious affairs which is reasonably reliable and reasonably necessary to resolve the issue before the Board. The hearing officer shall exclude from consideration immaterial, irrelevant, and repetitious evidence.

3) At the conclusion of the hearing, including any continuance thereof, the Board shall deliberate in a closed meeting and within 15-45 days after the hearing, notify the petitioner and the petitioner's attorney, if represented by an attorney, by certified mail of its decision. If a hearing under subsection (a) of this Section, the determination of the Candidacy Committee shall be upheld unless the Board shall overrule it by a vote of a majority of Board members present, notwithstanding a majority of Board members excluded because of participation on the Candidacy Committee. In hearings under subsection (b) of this Section, a vote of a majority of the Board present and voting shall be necessary to sustain a charge and/or to impose penalties. The determination of the Board shall be final.

(Source: Amended at 21 Ill. Reg. 9-10-90)

Section 1400.90 The Educational Requirement

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a) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois certified public accountant CPA examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the certified public accountant examination CPA examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.

b) Acceptable credit recognized by the Board is:

- 1) credit earned from a college or university which is a candidate for or is accredited by a regional accrediting association which is a member of the Commission on Recognition of Element-on Postsecondary Accreditation CORBA, ~~FEPA/PA~~
- 2) credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business AACSB, or
- 3) Association of Collegiate Business Schools and Programs ACBSP.

c) To be admitted to take the examination for the first time after January 1, 2001, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit including baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (b)(1) through (4) below. With each of the conditions listed below, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.

- 1) Earned a graduate degree with a concentration in accounting from a program that is accredited by an accrediting agency recognized by the Board.
- 2) Earned a graduate degree from a program that is accredited by a business, an accrediting agency recognized by the Board and completed at least 27 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.
- 3) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours in

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of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.

4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 27 additional semester hours in business courses, or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.

5) For all purposes above, the formula for conversion of semester hours to quarter hours is 1 semester hour times 1.5 equals 1 quarter hour.

6) For structured course work in progress at the time of application, the Board must receive official verification by the application deadline that the course will be complete, including the final examination, before the start of the examination in which the applicant wishes to participate. For non-structured course work, such as correspondence courses, independent study, or CLEP, the course must be completed and the grade received 30 days in advance of the examination in which the applicant wishes to participate. In all cases, proof of satisfactory completion of all requirements must be filed with the Board not less than 30 days prior to the scheduled date for mailing of examination grades as indicated on the examination papers.

(Source: Amended 2/1/2001
_____, effective _____)

Section 1400.105 Examinations - Misconduct

a) Misconduct is a serious matter and is strictly prohibited.

b) The following actions will be considered misconduct:

- 1) Communication between candidates inside or outside the examination room or conveying another candidate's answer, while the examination is in progress.
- 2) Communication with others outside the examination room while the examination is in progress.
- 3) Substitution of a candidate by another person to sit in the examination room to write one or more of the examination papers.
- 4) Possession of any reference to crib sheets, textbooks, or other material inside or outside the examination room while the examination is in progress.
- 5) Divulging any specific content of the examination.
- 6) Using, or attempting to use any method, device, mechanism, scheme or communication while the examination is in progress for the purpose of, or with the intent of, gaining access to information to assist a candidate in answering questions on the examination.
- 7) Failure to follow written or oral instructions regarding procedures and conduct of the examination.

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c2) A candidate who is suspected of misconduct shall be permitted to finish an examination session, unless the Board member in charge of the site determines that to do so would otherwise jeopardize the fair and orderly conduct of the examination; however, a candidate suspected of misconduct may be moved to a sequestered location for the remainder of the examination.

d3) A candidate charged with misconduct shall be notified by the Executive Director of the Board, by notice mailed no more than 15 days following the examination, that a charge of misconduct has been made against him or her and that a penalty specified in the notice will be imposed unless the candidate wishes to contest the charge and/or penalty. Failure to request such a hearing pursuant to Section 1400.8(b) shall result in entry of an order by the Board finding the candidate guilty of misconduct and imposing the penalty as specified in the notice to the candidate.

e4) Penalties.

1) Any candidate found guilty of misconduct is subject, at the discretion of the Board and depending on the seriousness of the violation, to one or more of the following penalties:

- A) disqualification from credit for the section of the exam on which the misconduct took place or for the entire exam;
- B) forfeiture of candidate status (see Section 1400.16(b));
- C) a ban from re-taking the exam for not less than two or more than five years;
- D) any other action found guilty of misconduct shall be referred to appropriate governmental and professional authorities in this and/or other jurisdictions for prosecution against his or her certified public accountant certificate and/or license or other professional designation.

2) The enumeration of the penalties in this Section shall not be exclusive in nature, penalties or liabilities as may be provided by civil or criminal laws.

(Source: Amended at 21 Ill. Reg. 1301, effective 1801, _____)

Section 1400.110 Examinations - Uniform Examination Requirements - Non-Disclosure - Security

The Board makes use of the Uniform CPA Examination prepared by the AICPA, in accordance with the guidelines of the Uniform Examination. The CPA examination is to be non-disclosed effective with the May 8-9-1996 administration. All applicants will be asked to "sign a non-disclosure statement and abide by the security procedures developed for this type of examination."

(Source: Amended at 21 Ill. Reg. 1301, effective 1801, _____)

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Section 1400.111 Examinations - Required Confidentiality Statements

Every person who will, at any time during the examination process, have access to the examination questions shall, prior to the time he or she is given access, comply with the following:

a1) Applicants. Each applicant for admission to the examination shall include with his or her application to sit for the examination, a confidential statement substantially signed by the applicant, in substantially the following form:

"I agree to keep confidential and not disclose in any manner whatsoever, in whole or in part, any information concerning the Uniform CPA Examination questions or content that I acquire as a result of taking the examination. I acknowledge that this information is valuable property belonging to the American Institute of Certified Public Accountants that will be disclosed only to candidates who sit for the Uniform Certified Public Accountant Examination. I understand that any breach of the confidentiality or non-disclosure requirements of the examination may result in expulsion from the examination, disqualification from taking the examination for up to five years from the date of the breach, and voiding of any trades received. I understand that a breach will also constitute an infringement of the copyright of the American Institute of CPAs, which will entitle the AICPA to injunctive relief and may also subject me to additional civil penalties including, but not limited to, monetary damages and attorney fees."

b1) Candidates. All candidates for the examination will be required, prior to the examination, to read and sign a confidentiality statement in substantially the following form:

"I hereby attest that I will not divulge the nature or content of any question or answer on this examination to any individual or entity, and I will report to the Board of Examiners any solicitations and disclosures of which I become aware. I will not remove or attempt to remove, any Uniform CPA Examination materials, notes, or other unauthorized materials from the examination room. I understand that failure to comply with this attestation may result in invalidation of my trades, disqualification from future examinations, and possible civil penalties and liability."

Any examination booklet that does not include the signature of the candidate attesting to the above statement will render the candidate's examination null and void.

c1) Board members. Every Board member who has access to the examination material shall, prior to being given access to the materials, sign a Confidentiality Statement agreeing that he/she will maintain the

material shall, prior to being given access to the materials, sign a

Confidentiality Statement agreeing that he/she will maintain the

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confidential and non-disclosed nature of the examination. The statement shall be in substantially the following form:

I hereby agree and warrant that except as necessary to carry out the duties and responsibilities of Board members, I will not read the examination questions and will not communicate, except to candidates duly admitted to the examination, and then only at the sanctioned time and location, and such other persons as specifically authorized by the Board, to read the questions or answers on the examination, or any examination or any examination procedure, to any individual or entity, and will report to the Board any solicitations or disclosures of which I become aware.

I understand that the Uniform CPA Examination is owned and copyrighted by the AICPA and that the examination questions are confidential and subject to ownership right protection under law. I agree to cooperate with any security briefing, interview, or investigation conducted by the Board, the AICPA, or any other lawful authority I hereby represent and warrant that I do not now nor will I in the future without explicit written permission

of the Board and the AICPA.

1. Publish any article or book or, in any other way, disclose or divulge any unpublished Uniform CPA Examination questions or topic from any unpublished AICPA document prepared by its Board of Examiners or Examinations Division; or

2. Serve in any activity or enter into any relationship that might involve or appear to others to involve a conflict of interest with my position as Board member.

I also hereby represent and warrant that I do not now nor will I for one year following termination of my relationship with the Board, without explicit written consent of the Board, participate in any capacity in a CPA Examination coaching review course either as a business, as part of my professional practice, or at a university or college. I acknowledge that monetary damages may be inadequate to protect against breach of this confidentiality agreement, and I hereby consent to the instant injunction in favor of the Board on the California basis.

breach of the airtight and watertight made herein without "leakage of actual damages."

Others, less examination factor, Board employee or agent and any other person who has access to examination material shall, prior to having access to the materials in this Confidentiality Statement, agree in writing that he/she will maintain the confidentiality and non-disclosed nature of the examination. The statement shall be in substantially the following form:

"I hereby agree and warrant that I will not read the examination questions and will not reveal any question, answer, or candidate's duly admitted to the examination and that only the said candidate and I alone, and such other person(s) as may be specifically authorized by me, will be present during the examination."

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NOTICE OF APPOINTED ATTENDEES

Of the Board. I also hereby represent and warrant that I do not now nor will for one year following termination of my relationship with the Board, without explicit written permission of the Board, participate in any capacity in a CPA Examination coaching review course or activity either as part of my professional practice or at a university or college. I acknowledge that monies received by me from such activities shall be considered a breach of this confidentiality agreement, and I hereby consent to the instant or injunctive relief in favor of the Board or the AICPA enjoining me from the breach of the agreements and warranties made herein without proof of actual damages.

116 Examination - Violations

Aded at 21 III. Reg. 100-15, effective 10/1/55,
in a manner that he/she may have access to the examination
information.

NOTICE OF APPOINTED ATTENDEES

Of the Board. I also hereby represent and warrant that I do not now nor will for one year following termination of my relationship with the Board, without explicit written permission of the Board, participate in any capacity in a CPA Examination coaching review course or activity either as part of my professional practice or at a university or college. I acknowledge that monies received by me from such activities shall be considered a breach of this confidentiality agreement, and I hereby consent to the instant or injunctive relief in favor of the Board or the AICPA enjoining me from the breach of the agreements and warranties made herein without proof of actual damages.

116 Examination - Violations

Aded at 21 III. Reg. 100-15, effective 10/1/55,
in a manner that he/she may have access to the examination
information.

Source: Added at 21

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conducting a complete and thorough investigation. At the conclusion of the investigation, the investigator shall report to the Board, in writing, his or her conclusions with regard to the report of violation. If, the investigator finds there is reason to believe a violation has taken place, or if the Board believes the investigator's report raises substantial issues that should be considered by the Board, the Executive Director shall notify the person charged, in writing, within 20 days, requesting a hearing before the Board under the provisions of Section 400.8(b) to contest the charges. Such a hearing shall be conducted in accordance with the provisions of Section 1400.80. The Executive Director or his or her designee shall present the position of the investigator, and shall be required to prove a violation by a preponderance of the evidence. Failure of the person charged and issues to under Section 1400.80(b) shall result in presentation of charges and issues to the Board, and may result in findings by the Board, including but not limited to a finding that the person charged violated the confidentiality agreement, and imposition of penalties as provided in Section 1400.117.

(Source: Adopted, at 21 Ill. Reg. 13337, effective 1-3-94.)

Section 1400.117 Penalties - Violation of Non-Disclosure Provisions

Any person who violates the non-disclosure agreements set forth in Section 1400.115 above shall subject to the following penalties:

- An applicant or candidate who violates the provisions of the confidentiality statement required in Section 1400.115(a) and/or (b) shall be banned from sitting for the certified public accountant examination in this State for a period of not less than two years nor more than five years. If the violation results for the examination his or her examination shall be considered null and void and any grades obtained by the violator shall likewise be considered null and void. The Board shall also forward the violator's name to the AICPA, the National Association of State Boards of Accountancy, and other state boards as appropriate, advising them of the violation and the penalty imposed by the Board. Any violator who sits for the examination in another state during the period of time he or she is banned under the provisions of this section shall not be eligible for a reciprocal certificate under the terms of Section 5.1 of the Act.
- A Board member who violates the provisions of the confidentiality statement required in Section 1400.115(c) shall forfeit his/her position on the Board and shall forfeit the honorarium provided by Section 1400.50 for any examination at or in relation to which the violation takes place. The Board shall also forward the violator's name to the AICPA and all state societies to which he or she is a member, advising them of the member's possible violation of the organization's ethics rules.
- Others. Examination proctors, Board employees, agents, and others who

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violate the provisions of the confidentiality statement required in Section 1400.115(d) shall forfeit their position with the Board.

d) Penalties Non-Pecuniary. The penalties provided for in subsections (a), through (c), of this Section are in addition to any and all other penalties that may otherwise be provided by law. Nothing in these rules shall be construed to in any way limit other remedies, including but not limited to injunctive relief and liability for compensatory damages sustained by the Board, the AICPA or others.

(Source: Adopted at 21 Ill. Reg. 13337, effective 1-3-94.)

Section 1400.160 Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates

a) Grading Scale. The examination papers shall be graded on the scale of 100. The passing grade in each subject is 75. Grades shall be certified by the Board of Examiners to the University Committee. The list of successful candidates shall be certified to the President of the University.

b) Condition Candidates.

- A candidate under Section 2 of the Act may acquire condition in the subject or subjects failed by:
 - passing any two subjects; and
 - obtaining a grade of not less than 50 in each subject failed.
- Candidates who achieve condition standing shall be credited with the subject or subjects in which they received passing grades and may, upon application and the payment of the required examination fee, appear for re-examination in the subject or subjects failed at--prior to--1994--any--three--of--the--six--examinations--next succeeding the examination--at--which--they--qualify--for--such part--re--examination--and--effective--May--1994--any--of--the--six examinations next succeeding the examination at which they failed for such partial re-examination. When candidates present themselves for re-examination, they must write on all subjects in which they then have failing grades. To obtain credit for a subject or subjects passed upon any re-examination, condition candidates must obtain a grade of not less than 50 in each subject failed in any such re-examination.
- If, on re-examination, the candidates pass in the subject or subjects in which they previously failed, they shall be eligible for the certified public accountant (CPA) certificate if they fail to pass the remaining subject or subjects within the time provided, they shall revert to the status of new applicants and shall be required to write the entire examination.

4) The time limitation within which a candidate is required to pass subjects under this rule shall not include any period during

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which the applicant serves in the armed forces of the United States.

5) The fee schedule for conditioned candidates shall be as stated in Section 1400.60 of this Part.

c) Transfer of Credits from Another State.

1) A person who has written as a candidate in another state and who has passed part of the examination in such other state may write as a condition candidate in Illinois:

A) if the educational requirements of the Illinois statute have been met; and

B) provided the applicant would qualify as a condition candidate if the examination in such other state had been written in Illinois.

2) A candidate who applies for a transfer of credits from another state shall pay the fee in force upon submission of the initial application to write as an Illinois candidate; thereafter the fee shall be the same as for other condition candidates.

d) Transfer of Credits by Candidate Who Has Passed the Examination in Another State.

1) A candidate who has passed the entire examination in another jurisdiction, or has passed a portion of the examination equivalent to the entire Illinois examination, but who is ineligible to obtain a certificate from such other jurisdiction may transfer the credits and receive a certificate in Illinois provided:

A) the educational requirements of the Illinois statute have been met; and

B) the applicant would be entitled to an Illinois certificate if the examination had been written under the Illinois statute and rules.

2) The fee in force must accompany the application for a transfer of credits for the entire examination.

3) Transfer of credits shall be accepted if the applicant wrote all subjects on the initial examination, and:

A) passed all subjects; or

B) before May 1994, passed practice or any two subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within three of the next six succeeding examinations, or

C) after May 1994, passed any two subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within the six next succeeding examinations.

e) Certificates by Reciprocity.

1) The University Union recommendation of the Board, shall issue a certificate as a certified public accountant, without examination:

A) To any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any

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other state or territory of the United States or the District of Columbia provided all requirements of Section 5 of the Act and this Part have been met; or

b) To any foreign accountant who has passed the United States or American Institute of Certified Public Accountants (AICPA) uniform qualifying examination for that jurisdiction acceptable to the Board.

2) The fee in force shall be payable by the applicant at the time of filing of the application for a certified public accountant (CPA) certificate by reciprocity.

f) Out of State Candidates.

Applicants who have been approved as candidates in other jurisdictions shall be allowed to write the examination in Illinois provided the proctoring has been requested and authorized by the boards or administering offices responsible for administering the examinations in such other jurisdictions. The applicants shall remit non-refundable proctoring fees as prescribed in Section 1400.60 prior to deadlines established by the Board.

(Source: Amended at 21 Ill. Reg. 1001.) effective _____.

Section 1400.175 Candidate Request for Grading Review

The grading and review of all candidate grades are subjected to very high quality controls, and all failing grades near the passing grade are reviewed for accuracy at least twice by two different examiners. Grades are released to the states. A grade review rarely results in a grade change. The Board nonetheless makes available to all candidates an opportunity to request a special review of their answer keys to verify the accuracy of the grading process.

a) All requests for a grade review must be submitted to the Board no later than 30 days after the grades are mailed to the candidate's address, as it appears on the application or as updated by the candidate at the time of the examination.

b) The request for review must state the candidate's name, address, and the section or sections of the examination the candidate wishes to have reviewed.

c) The request for review must be accompanied by a check payable to the National Association of State Boards of Accountancy, in the amount of \$50, each for the sections on Business Law & Professional, Auditing, and Financial Accounting and Reporting, and \$30 for the section on accounting and Reporting.

d) Upon timely receipt of a sufficient request for grading review, the Board will forward the request to the AICPA. The AICPA shall perform a review on the candidate's examination by:

1) conducting a manual verification of the objective

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ANSWER SCORES:

21. Conducting an independent verification of the original scoring of the essay or other problem solutions by a technical manager who did not participate in the original grading of the questions; and
31. Tabulating the total score.

E.2. The candidate shall be notified by the ACPCP of a "no charge" unless:

11. A failing grade is increased to 75 or higher; or
21. A failing grade is increased to the minimum grade required on sections failed to retain credits for sections passed.

(Source: Amended at 21 Ill. Reg. 13341, effective 1-1-15.)

Section 1400.180 Certified Public Accountant C-P-A-C Certificate - Awarding

Each candidate who satisfies all the requirements and is duly certified as above required, shall receive a certificate designating the recipient as a Certified Public Accountant. This certificate shall be issued in the name of the University, and shall be signed by the Board and the President of the University, the Secretary of the Board of Trustees, and, when issued on the basis of examination, by members of the Board of Examiners.

(Source: Amended at 21 Ill. Reg. 13341, effective 1-1-15.)

Section 1400.190 Retention of Records

- a) The Board shall preserve for a period of five years all applications submitted by candidates for the certified public accountant C-P-A-C examinations and all supporting documents and correspondence relating to the application; shall maintain a permanent record for each applicant admitted to the examinations which contains information concerning the date and place of the examinations, the grades received, the condition status of candidates qualifying under Section 1400.160, the certificate number and date of issuance for candidates qualifying under Section 2 or Section 3 of the Act, and any other information which the Board Committee considers appropriate; and shall maintain a registry of the names, certificate numbers, and dates of issuance for all persons receiving the Illinois certificate either on the basis of the written examinations or on the basis of reciprocity.
- b) The Board shall arrange for retention of the examination papers of candidates on file for a period of ninety days following the release of the results of the examination.

(Source: Amended at 21 Ill. Reg. 13341, effective 1-1-15.)

Section 1400.210 Granting Variances

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NOTICE OF ADOPTED AMENDMENTS

The Board may grant variances from this Part in individual cases where it finds:

- a. the jurisdiction from which the variance is granted is not statutorily mandated;
- b. no party will be injured by the granting of the variance; and
- c. the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Added at 21 Ill. Reg. 13341, effective 1-1-15.)

(Source: Added at 21 Ill. Reg. 13341, effective 1-1-15.)

NOTICE OF ADOPTED REPEALERS

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

97

NOTICE OF ADOPTED REPEALERS

1) Heading of the Part: National Affordable Housing Act (HOME) Program
370.604

2) Code Citation: 47 Ill. Adm. Code 370
370.605

3) Section Numbers:
Adopted Action:
370.101 Repeal
370.102 Repeal
370.103 Repeal
370.104 Repeal
370.105 Repeal
370.106 Repeal
370.107 Repeal
370.108 Repeal
370.109 Repeal
370.110 Repeal
370.111 Repeal
370.112 Repeal
370.113 Repeal
370.201 Repeal
370.202 Repeal
370.203 Repeal
370.204 Repeal
370.205 Repeal
370.206 Repeal
370.207 Repeal
370.208 Repeal
370.209 Repeal
370.210 Repeal
370.211 Repeal
370.212 Repeal
370.301 Repeal
370.302 Repeal
370.303 Repeal
370.304 Repeal
370.305 Repeal
370.401 Repeal
370.402 Repeal
370.501 Repeal
370.502 Repeal
370.503 Repeal
370.504 Repeal
370.505 Repeal
370.506 Repeal
370.507 Repeal
370.508 Repeal
370.601 Repeal
370.602 Repeal
370.603 Repeal

4) Statutory Authority: Title II of the National Affordable Housing Act of 1990 (the "HOME Act") (42 U.S.C. Section 1701 et seq.) and the regulations promulgated thereunder (24 CFR Part 72) and are authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19, 7.2, 7.24g and 7.25].

5) Effective Date of Rulemaking: September 17, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 21, 1997

9) Notice of Proposal Published in Illinois Register:
21 Ill. Reg. 5013 - April 25, 1997

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposed and final version: None

12) Have all the changes cited in the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALERS

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purposes of Rulemaking: These emergency rules establish the procedures for operating the program established by the HOME Act to distribute funds allocated to the State of Illinois under the HOME Act for the "HOME Program". The HOME Program administers these funds for loans and grants used in connection with the acquisition, construction, rehabilitation, development and operation of single family and multifamily housing for, or providing rental assistance to, low- and very-low income households and families.

16) Information and questions relating to this adopted repealer shall be directed to:

Crystal S. Maher, Esq.
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611
312/836-5200

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

1) Heading of the Part: National Affordable Housing Act (HOME)

2) Code Citation: 47 Ill. Adm. Code 371

3) Section Numbers: 371.10 New
371.20 New

4) Statutory Authority: Title II of the National Affordable Housing Act of 1990 (the "HOME" Act) (42 U.S.C. Section 12701 et seq.) and the regulations promulgated thereunder (24 CFR Part 92) and are authorized by Section 7.4, 7.19, 7.24(a) and 7.24 of the Illinois Housing Development Act (20 ILCS 3065/7.2, 7.19, 7.24(a) and 7.25)

5) Effective Date of the Rules: September 17, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed rule contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: February 21, 1997

9) Notice of Proposal Published in Illinois Register: Published on April 25, 1997, 21 Ill. Reg. 5016.

10) Has JCAR issued a Statement of Objection to these Rules? No

11) Differences between proposed and final version: Pursuant to Second Notice Changes from JCAR, the Authority made a series of substantive, technical and grammatical corrections throughout the rulemaking.

12) Have all the changes aired upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: These proposed rules establish the procedures for operating the program established by the Authority to distribute funds allocated to the State of Illinois under the HOME Act (the HOME Program). The HOME Program administers these funds for loans and grants used in connection with the acquisition, construction, rehabilitation, development and operation of single family and multifamily housing for, or providing rental assistance to, low- and very low-income households and families.

16) Information and questions regarding this adopted rule shall be directed

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

TO:

Crystal S. Maher, Esq.
401 N. Michigan Ave., Ste. 900
Chicago, IL 60611
312/836-5200

The full text of the Adopted Rule begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 371
NATIONAL AFFORDABLE HOUSING ACT (HOME) PROGRAM

Section

371.10 Statement of Authority
371.20 Incorporation By Reference

AUTHORITY: Implements Title II of the National Affordable Housing Act of 1990, 42 U.S.C. 12701 et seq., as amended, and the regulations promulgated thereunder, 24 CFR Part 92; authorized by Sections 7.2(a), 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25].

SOURCE: New Part adopted by emergency rule at 21 Ill. Reg. 5369, effective April 11, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 13-3-4-6, effective 5/1/1997.

Section 371.10 Statement of Authority

The Illinois Housing Development Authority (Authority) has been designated the program administrator of the HOME Investment Partnerships Program (HOME Program) in Illinois, established pursuant to Title II of the National Affordable Housing Act of 1990, 42 U.S.C. 12701 et seq., as amended (HOME Act). This Part is created to govern the HOME Program. This Part is authorized by, and made pursuant to, the Comprehensive Housing Affordability Strategy of the State of Illinois and the Illinois Housing Development Act [20 ILCS 3805].

Section 371.20 Incorporation By Reference

The federal regulations promulgated under the HOME Act, 24 CFR Part 92 (HOME Regulations) (October 16, 1996) are hereby incorporated by reference. The full text of the HOME Regulations can be obtained from the Department of Housing and Urban Development, 451 7th St., SW, Washington, DC 20410.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
Amendment
148.295
148.296
148.297
New Section
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13) and Public Act 90-93
- 5) Effective Date of Amendments: September 23, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporates by reference? No
- 8) Date Filed in Agency's Principal Office: September 23, 1997
- 9) Notice of Proposal Published in Illinois Register: July 18 and 25, 1997 (21 Ill. Reg. 9401 and 9712)
- 10) Has ICAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the text of the proposed rulemaking.
Section 148.295
In subsections (a)(1)(B)(1), (a)(1)(B)(ii), (a)(2), (a)(3), (b)(1), (b)(2)(A), (b)(2)(B), (b)(3), (d)(1), (d)(12), (d)(4), and (d)(5), ".00" has been deleted or stricken.
- In subsection (c)(2)(C), "Medicaid general care admissions" has been changed to "total Medicaid admissions".
- Subsection (d)(1) has been changed to read, "Hospitals qualifying under subsection (c)(1)(A) above receive a DHA of \$60 multiplied by the DHA Medicaid days in the CHAP base period.
- The end of subsection (d)(2) has been changed to read, "a DHA of \$30 multiplied by the DHA Medicaid days in the CHAP base period."
- The end of subsection (d)(3) has been changed to read, "\$20 multiplied by the DHA Medicaid days in the CHAP base period."

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The end of subsection(d)(4) has been changed to read, "\$10 multiplied by the DHA Medicaid days in the CHAP base period."

Subsection (d)(5) has been changed in part to read, "\$120 multiplied by the DHA Medicaid days in the CHAP base period" and to read, "\$65 multiplied by the DHA Medicaid days in the CHAP base period".

In subsection (h)(3), the defined term has been changed to "Cost per day at 80 percent occupancy".

In subsection (h)(4), the defined term has been changed to "Medicaid general care admission".

In subsection (h)(5), the defined term has been changed to "Medicaid inpatient day".

New subsections (h)(9) and (10) have been added as follows:

- 9) "Medicaid Psychiatric days", as used in subsection (h)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.
- 10) "Medicaid rehabilitation days", as used in subsection (h)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.

Subsections (h)(9), (10), (11), (12) and (13) have been relabeled as subsections (h)(11), (12), (13), (14) and (15) respectively.

The beginning of subsection (h)(13) has been changed to "CHAP base period".

The beginning of subsection (h)(14) has been changed to "CHAP general care admissions".

The beginning of subsection (h)(15) has been changed to "CHAP obstetrical care admissions".

New subsections (h)(16), (17) and (18) have been added as follows:

- 16) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid admissions."
- 17) "Total Medicaid days" means hospital inpatient days under Title XIX base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns

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18) "DBA Medicaid crossover days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

Section 148.296

In subsection (a), "Health Services Area" has been changed to "Health Service Area".

A colon has been added at the end of subsections (a)(1), (a)(2), (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(2)(A), (b)(2)(B), (b)(2)(C) and (d)(1).

In subsection (a)(1)(A), change "Health Facilities Planning Area (HFA)" to "Health facilities planning area".

In subsections (a)(1)(B) and (b)(1)(B)(ii), "total" has been changed to "total".

In subsection (a)(1)(C), "Medicaid inpatient utilization rate" has been changed to "Medicaid inpatient utilization Rate".

Subsection (a)(2)(A) has been changed to read "3900 or more total Medicaid admissions".

In subsections (a)(3), (a)(4), (a)(5) and (a)(6), "hospital that" has been changed to "hospital".

In subsection (a)(4), "an HFA" has been changed to "a health facilities planning area", "Health professional shortage area" and "HFA" has been changed to "Health facilities planning area".

In subsection (a)(5), "possess" has been changed to "possesses".

In subsections (b)(1)(A)(i), (b)(1)(B)(i), (b)(1)(C)(i), (b)(2)(A)(i), (b)(2)(B)(i) and (b)(2)(C)(i), "MIRS" has been changed to "MUR".

In subsections (b)(1)(A)(i), (b)(1)(B)(i), (b)(1)(C)(i), (b)(2)(B)(i) and (b)(2)(C)(i), both occurrences of "total" have been changed to "total" and "factor" has been changed to "factor".

In subsections (b)(1), (2), (3), (6), (7), (8) and (9), "total Medicaid general care admissions" has been changed to "total Medicaid admissions".

In subsections (b)(1)(C)(i) and (ii), and (b)(2)(C)(i) and (ii), "the mean" has been deleted, the comma after "deviation" has been deleted and a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

comma has been added after "above".

In subsection (b)(2)(A)(ii), "total" has been changed to "total" and "factors" has been changed to "factor".

In subsections (b)(3) through (b)(9), the comma before "multiplied" has been deleted.

In subsections (b)(4) and (5), "total Medicaid general care days" has been changed to "total Medicaid days".

In subsection (b)(5), "\$90" has been changed to "\$99.50".

In subsection (c), "criterion" has been changed to "criterion" and "of this section" has been added after "subsection (a)".

In subsection (d)(1)(A), "number Medicaid" has been changed to "number of Medicaid".

In subsection (d)(1)(B), both occurrences of "total" have been changed to "total".

In subsections (e)(1), (2), (3) and (4), "total Medicaid admissions" has been changed to "total SCHAP admissions".

Subsections (g)(3) and (4) have been deleted in their entirety and subsections (g)(5) and (6) have been relabeled as (g)(3) and (4). In the newly labeled subsection (g)(3), the acronym has been moved to within the quotation marks. In the newly labeled subsection (g)(4), the comma following "(h)(8)" has been deleted.

New subsections (g)(5) and (6) have been added as follows:

5) "Medicaid psychiatric admissions" as used in subsection (g)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 22.

6) "Medicaid rehabilitation admissions", as used in subsection (g)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 22.

In subsection (g)(7), the comma following "(c)(2)(A)" has been deleted.

In subsection (g)(10), "total Medicaid Admissions" has been changed to "total Medicaid admissions" and the comma following "newborns" has been deleted.

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New subsections (9)(9) and (10) have been added as follows:

9) "total Medicaid days" means hospital inpatient days for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal neophytes and Medicare/Medicaid crossover days.

10) "total SCHAP admissions" means total Medicaid admissions that include Medicaid psychiatric admissions and Medicaid rehabilitation admissions for the Supplemental CHAP base period multiplied by a factor of two.

Section 148.97

In subsection (a)(1), a comma has been added after "(c)(3)" and the comma after "and" has been deleted.

At the end of subsections (b)(1) and (b)(2), the semicolon has been changed to a colon.

At the end of subsection (b)(1)(A), the comma has been deleted.

In the beginning of subsection (b)(2)(A), "the" has been deleted, and the comma after "by" has been deleted.

In subsection (c), "and additional" has been changed to "an additional".

In subsection (e)(1), the acronym has been moved to within the quotation marks and "defined" has been changed to "accited".

In subsection (e)(2), "billed" has been changed to "adjudicated" and the following language has been added at the end of the subsection:

For a hospital, which includes a facility devoted exclusively to caring for children, that is separately licensed as a hospital by a municipality, Pediatric Adjustment Outpatient Services will include psychiatric services (categories of service 27 or 28) for children less than 18 years of age, that are billed through the affiliated general care hospital.

Subsection (e)(3) has been revised as follows:

"Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total Pediatric Adjustable Outpatient Services for persons less than 18 years of age divided by the total Pediatric Adjustable Outpatient Services for all persons, during the Pediatric Outpatient Adjustment Base Period.

In subsection (e)(5), "hereafter" has been changed to "hereinafter".

DEPARTMENT OF PUBLIC AID

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No other changes have been made in the text of the proposed amendments.

12) Have all the changes aired upon by the agency and SCBAR been made as indicated in the statement letter issued by JCSAB? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.25	Amendment	August 29, 1997 (21 Ill. Reg. 11881)
148.310	Amendment	September 26, 1997 (21 Ill. Reg. 13032)
148.310	Amendment	September 1, 1997 (21 Ill. Reg. 10016)

15) Summary and Purpose of Amendments: These amendments to Section 148.295 revise the current Critical Hospital Adjustment Payment (CHAP) program to increase the facility components for Level I Rehabilitation hospitals. These changes are necessary to cover the extremely high costs incurred by rehabilitation hospitals. For such hospitals with fewer than 90 annual Medicaid admissions, the facility component will increase from \$100,000 to \$250,000. Hospitals with 90 or more annual Medicaid admissions will have their facility component increased from \$400,000 to \$750,000. It is expected that these changes will result in increased annual expenditures of approximately \$500,000.

New Section 148.296 creates the Supplemental Critical Hospital Adjustment Payment (SCHAP) program. These provisions are designed to replace the rate appeal process found in 80 Ill. Adm. Code 152.250, which has been proposed for repeal. The SCHAP program will direct Medicaid dollars to hospitals that provide critically necessary Medicaid services. It is expected that the annual cost of this program will be approximately \$41,000,000. However, these expenditures will be fully offset by savings resulting from the elimination of the rate appeal process in Section 152.250.

New Section 148.297 creates the Pediatric Outpatient Adjustment Payments program. This new program will provide quarterly payments to cover the costs of outpatient services provided by children's hospitals. This program will ensure access to Medicaid eligible children for highly specialized outpatient procedures. It is expected that the annual cost of this program will be approximately \$1,000,000.

Information and questions regarding these Adopted Amendments shall be directed to:

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Joanne Jones
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763
 217/524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER D: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

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148-280 Adjustments and Reductions to Total Payments
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148-390 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 225/Art. III] and Implementing and Authorizing by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III, IV, V, VI, and 12-13].

SOURCE: Sections 148-10 thru 148-390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148-120 recodified from 89 Ill. Adm. Code 140-110 at 13 Ill. Reg. 1211; amended at 14 Ill. Reg. 255-3, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11192, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15555, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 189-1895, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991; for a maximum of 150 days; emergency expired August 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16166, effective November 1, 1991; emergency amendment at 16 Ill. Reg. 18684, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 6255, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14813, effective December 7, 1992, amended at 17 Ill. Reg. 2926, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14645, effective August 16, 1993; emergency amendment at 17 Ill. Reg. 17373, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

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111. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 1510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10008, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10152, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995, amended at 19 Ill. Reg. 1630, effective November 28, 1995; amended at 20 Ill. Reg. 772, effective December 29, 1995; amended at 20 Ill. Reg. 791, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 15210, effective September 1, 1996; for a maximum of 150 days; amended at 20 Ill. Reg. 15721, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997; for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 19-2, effective 19-2.

Section 148-295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148-25(b)(1)(A) and hospitals organized under the University of Illinois Hospital Act, as described in Section 148-25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1995, in accordance with this section.

a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as Level I or Level II trauma center. By the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

a) Level I Trauma Center Adjustment (TCA).

a) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment. b) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

- 1) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$15,704 per Medicaid trauma admission in the CHAP base period.

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iii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$12,500-\$88 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment (RTC). Illinois rural hospitals, as defined in section 1485(19)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,300-\$88 per Medicaid trauma admission in the CHAP base period.

Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 1485(9)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,300-\$88 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 53), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149-.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$3,800-\$88 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$250,000-\$88 per Medicaid Level I rehabilitation period.

B) Hospitals with 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility

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component of \$575,000-\$88 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment. Component Hospitals as defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300-\$88 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria.

1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:

A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.

B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training or the American Dental Association Joint Commission on Dental Accreditation.

2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation facilities as defined in 89 Ill. Adm. Code 149-.50(c)(1) and (c)(2), that meets one of the following criteria:

A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:

i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Pediatric Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's pediatric level designation.

ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.

iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.

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iv) Hospitals that have an occupancy ratio as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

v) Hospitals that on the last day of June preceding the CHAP rate Period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.

vi) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

vii) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of five.

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a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting factor of five.

B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission Dental accreditation.

C) Is a hospital with 1,400 or more total Medicaid general-care admissions in the CHAP base period.

D) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 2,400.

E) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate Period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5) which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

F) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

G) DBA Adjustment

Calculation of the DBA is as follows:

- 1) Hospitals qualifying under subsection (c)(1)(A) above shall receive a DBA of \$60.00 multiplied by the DBA per Medicaid days inpatient-day in the CHAP base period.
- 2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive a DBA of \$30.00 multiplied by the DBA per Medicaid days inpatient-day in the CHAP base period.
- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate

period, that is greater than 65 percent shall receive an additional \$70-00 multiplied by the DNA per Medicaid days patients qualifying under subsection (c)(2)(B) above shall receive an additional \$100-00 multiplied by the DNA per Medicaid days patients qualifying under subsection (c)(3) or (c)(4) above receive an additional \$100-00 multiplied by the DNA per Medicaid days patients qualifying in the CHAP base period.

patient-day in the CHAP base period. Hospitalists qualifying under subsection (c)(2)(B) above shall receive an additional \$10-00 multiplied by the DHA per Medicaid patient-day in the CHAP base period.

Hospitalists qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$10-00 multiplied by the DHA per Medicaid patient-day in the CHAP base period if their patient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP base period, is equal to or greater than 50 percent; or \$6-50 multiplied by the DHA per Medicaid patient-day in the CHAP base period if their patient utilization rate, as defined in Section 148.120(k)(5), on the last day of June

Critical Hospital Adjustment Payments (RHAP). Critical Hospital Adjustment Payments (RHAP) shall be made to hospitals as described in 89 Ill. Adm. Code 140.80(1)(l) for inpatient admissions occurring on or after September 1, 1996. The department shall make a RHAP adjustment payment to hospitals for each admission under this subsection at a rate that is the greater of: the product of \$1,490 multiplied by the number of RHAP General Obstetrical Care Admissions in the CHAP base period, or the product of \$1,050 multiplied by the number of RHAP General Obstetrical Care Admissions in the CHAP base period.

Hospital Adjustment Limitations Trauma center adjustments under subsection

shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as defined for the adjustment described in subsection (viii) above or as

II trauma center as required for the adjustment described in section (a)(2) or (a)(3) above. In these instances, the amounts calculated shall be prorated, as applicable, based upon

ate that such reassignment ceased.

gements or terms used with reference to calculation of the required by this Section are as follows:

CHAP base period for State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; and State Fiscal Year 1996 for CHAP payments calculated for the July 1, 1997, CHAP rate period.

2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.

3) "Cost per day fee-for-day at 80 percent occupancy percent-decency" means the estimated patient cost per day had the hospital been operating at an 80 percent occupancy rate.

4) "Medicaid General Category—Admission" means hospital admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicaid crossover admissions, psychiatric and rehabilitation admissions.

5) "Medicaid Inpatient day Inpatient-Bay" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicaid crossover days.

6) "Medicaid Level I Rehabilitation admissions" means those claims filed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of 040.3, 310.1 through 344.2, 350.1 through 356.9, 370.0 through 374.9, 384.0 through 394.9, 481.8, 801.30 through 806.24, 806.25 through 809.9, 810.36, 806.40 through 805.5, 851.06, 851.90, 852.05, 854.19, 854.20, 854.40, 855.06, 854.1, through 854.19, 854.21 through 854.29, 856.01, 907.01, 907.21, 952.0 through 957.09, 957.10 through 952.16, 952.52, and V57.10 through V57.89, excluding admissions for newborns.

7) "Medicaid Level I Rehabilitation Inpatient day" means the day associated with the claims defined in subsection (6) above.

8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 649.9 with a fifth digit of 1 or 2; 650.1 through 669.9 with a fifth digit of 1, 2, 3, or 4; 670.0 through 679.6 with a fifth digit of 1 or 2; or V21 through V27.91 or V30 through V39.91 or one of the ICD-9-CM principal diagnosis codes that is accompanied by an ICD-9-CM secondary diagnosis code that is accompanied by an ICD-9-CM third diagnosis code.

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surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

9) "Medical psychiatric days," as used in subsection (b)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.

10) "Medicaid rehabilitation days," as used in subsection (b)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.

11) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with TCD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 803.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.99, 807.0 through 807.69, 808.0 through 809.0, 809.1 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 849.7 through 853.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.0 through 863.99, 864.0 through 864.19, 865.0 through 865.99, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 870.0 through 887.7, 898.0 through 898.19, 899.0 through 899.1, 900.0 through 904.99, 925. 926.8, 929.0 through 929.99, 938.4, 938.5, 990 through 994.99, for those hospitals recognized as Level I trauma centers solely for pediatric trauma cases. Medicaid trauma admissions are only calculated for the claims billed as admissions, excluding admissions for normal newborns which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with TCD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.

12) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

13) The "CHAP base period" means State Fiscal Year 1995 for RCHAP's calculated for the July 1, 1996, CHAP rate period; State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period; etc.

14) "CHAP General Care Admission General Case admissions" means Medicaid General Care Admissions, as defined in subsection (b)(4) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

15) "CHAP Obstetrical care admissions" means Obstetrics—Care

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"Admissions" means Medicaid General Care Admissions, as defined in subsection (b)(4) above, with a Diagnos Related Group (DRG) of 370 through 375, occurring in the CHAP base period.

16) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical admissions under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.

17) "Total Medicaid days" means hospital inpatient days for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover admissions.

18) "DBA Medicaid days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

(Source: Amended at 1 Ill. Reg. 1234, effective 21 Ill. Reg. 1234,)

Section 148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)

Supplemental Critical Hospital Adjustment Payments (SCHAP), shall be made to all eligible hospitals, excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), hospitals organized under the University of Illinois Hospital Act, as described in Section 149.50(c)(1)(B), hospitals described in 89 Ill. Adm. Code 149.50(c)(2) or (c)(4), and hospitals described in Section 148.120(a)(5) with a Medicaid inpatient utilization rate that is less than 80 percent for inpatient admissions occurring on or after July 1, 1997, in accordance with this Section.

a) To qualify for payments under this Section, a hospital must be located in Health Service Area (HSA) 6 or HSA 11, and satisfy one of the following criteria during the Supplemental CHAP base period:

- 1) A Medicaid obstetrical care admissions are greater than or equal to the mean number of Medicaid obstetrical care admissions for all hospitals located within the same health facilities planning area.
- 2) The critical weighting factor is greater than or equal to the mean total critical weighting factors of all hospitals located within the same HSA, and
- 3) Medicaid Inpatient Utilization Rate (MIUR) is greater than or equal to the mean MIUR of all hospitals located within the same HSA.

b) To qualify for payments under this Section, a hospital must be located in Health Service Area (HSA) 6 or HSA 11, and satisfy one of the following criteria during the Supplemental CHAP base period:

A) Medicaid obstetrical care admissions are greater than or equal to the mean number of Medicaid obstetrical care admissions for all hospitals located within the same health facilities planning area.

B) The critical weighting factor is greater than or equal to the mean total critical weighting factors of all hospitals located within the same HSA, and

C) Medicaid Inpatient Utilization Rate (MIUR) is greater than or equal to the mean MIUR of all hospitals located within the same HSA.

2) A hospital has:

- 1) 390 or more total Medicaid admissions,
- 2) An occupancy percentage rate greater than the mean occupancy percentage rate, as defined by the Department of Public Health, of all hospitals within the same HSA, and

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C1 On MUR greater than or equal to 55 percent.

31 A hospital is a children's hospital, as defined in Section 145.120(a)(2), and has an MUR greater than or equal to 80 percent.

41 A hospital is located in a health facilities planning area where all hospitals also are located in a Health Professional Shortage Area (HPSA), as designated in the Federal Register for the Supplemental CHIP base period, and has the greatest number of Medicaid obstetrical care admissions among all hospitals within the same health facilities planning area.

51 A hospital provides at least 200 Medicaid obstetrical admissions and possesses an MUR that is greater than or equal to 70 percent.

61 A hospital has an MUR that is greater than or equal to 75 percent.

b1 The Department will take payments during the CHIP rate period to qualifying SCHP hospitals under the following methodology.

11 For hospitals qualifying under subsection (a)(1) above that are located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by:

A1 \$620 for hospitals that:

11 have an MUR that is greater than or equal to one standard deviation above the mean MUR of all hospitals within HSA 6; and

iii have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 6.

B1 \$615 for hospitals that:

11 have an MUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MUR of all hospitals within HSA 6; and

ii have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 6.

C1 \$610 for hospitals that:

11 have an MUR that is greater than or equal to, but less than one-half standard deviation above the mean MUR of all hospitals within HSA 6; and

ii have a total critical weighting factor that is greater than or equal to, but less than one-half standard deviation above the mean critical weighting factor for all hospitals within HSA 6.

21 For hospitals qualifying under subsection (a)(1) above that are located in HSA 11, the payment shall equal the product of the

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total Medicaid admissions multiplied by:

A1 \$35 for hospitals that:

11 have an MUR that is greater than or equal to one percent.

ii have a standard deviation above the mean MUR of all hospitals within HSA 11; and

iii have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 11.

B1 \$775 for hospitals that:

11 have an MUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MUR of all hospitals within HSA 11.

ii have a total critical weighting factor of all hospitals within HSA 11.

C1 \$200 for hospitals that:

11 have an MUR that is greater than or equal to, but less than one-half standard deviation above the mean total critical weighting factor of all hospitals within HSA 11.

ii have a total critical weighting factor that is greater than or equal to, but less than one-half standard deviation above the mean total critical weighting factor of all hospitals within HSA 11.

iii have a total critical weighting factor that is greater than or equal to one-half standard deviation above the mean total critical weighting factor of all hospitals within HSA 11.

D1 \$270 for hospitals that:

11 have an MUR that is greater than or equal to, but less than one-half standard deviation above the mean MUR of all hospitals within HSA 11; and

ii have a total critical weighting factor that is greater than or equal to one-half standard deviation above the mean total critical weighting factor of all hospitals within HSA 11.

E1 \$620 for hospitals that:

11 have an MUR that is greater than or equal to one standard deviation above the mean MUR of all hospitals within HSA 6; and

ii have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 6.

F1 For hospitals qualifying under subsection (a)(1) above, the payment shall equal the product of the total Medicaid admissions multiplied by \$725.

11 For hospitals qualifying under subsection (a)(3) above, the payment shall equal the product of the total Medicaid days multiplied by \$125.

21 For hospitals qualifying under subsection (a)(4) above, the payment shall equal the product of the total Medicaid days multiplied by \$1950.

31 For hospitals qualifying under subsection (a)(5) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$725.

71 For hospitals qualifying under subsection (a)(5) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$325.

81 For hospitals qualifying under subsection (a)(6) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$220.

91 For hospitals qualifying under subsection (a)(6) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$400.

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c) A hospital may only receive payments under one of the payment methodologies defined in subsection (b) above. In the event that a hospital qualifies under more than one criterion under subsection (a) of this Section, the Department will reimburse the hospital using the payment methodology that meets the least stringent.

d) For any hospital that meets any of the payment criteria under subsection (b) above, the Department will increase the SCHAP payment rate, during the Supplemental CHAP base period, if a hospital meets either or both of the conditions under (d)(1) or (d)(2) below.

1) A hospital has:

A) Medicaid obstetrical care admissions greater than or equal to the mean number of Medicaid obstetrical care admissions of all hospitals located in the qualifying hospital's HSA.

B) A total critical weighting factor that is greater than or equal to the mean total critical weighting factor of all hospitals located in the qualifying hospital's HSA.

C) An MUR greater than or equal to the mean MUR of all hospitals located in the qualifying hospital's HSA.

D) A hospital has an MUR greater than or equal to 70 percent.

e) Additional SCHAP payments shall be paid under the following methodologies:

i) For hospitals qualifying under subsection (d)(1) above and located in HSA 6, the payment shall equal the product of \$40 multiplied by the hospital's total SCHAP admissions.

ii) For hospitals qualifying under subsection (d)(1), above and located in HSA 11, the payment shall equal the product of \$40 multiplied by the hospital's total SCHAP admissions.

iii) For hospitals qualifying under subsection (d)(2), above and located in HSA 6, the payment shall equal the product of \$180 multiplied by the hospital's total SCHAP admissions.

iv) For hospitals qualifying under subsection (d)(2), above and located in HSA 11, the payment shall equal the product of \$330 multiplied by the hospital's total SCHAP admissions.

f) SCHAP payments under this Section shall be paid on a quarterly basis.

g) Definitions:

i) "Supplemental CHAP base period" means services provided during State Fiscal Year 1995 and adjudicated by the Department by June 30, 1996.

ii) "SCHAP rate period" as used in this Section, has the same meaning as defined in Section 148.225(b)(2).

iii) "Medicaid Inpatient Utilization Rate (MUR)" as used in this Section, has the same meaning as defined in Section 148.120(k)(5), in effect for the rate period October 1, 1996 through September 30, 1997.

iv) "Medicaid obstetrical care admissions," as used in this Section, has the same meaning as defined in Section 148.225(h)(1) for the Supplemental CHAP base period.

v) "Medicaid psychiatric admissions," as used in subsection (g)(10)

below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 21.

vi) "Medicaid rehabilitation admissions," as used in subsection (g)(10), below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 21.

vii) "Total critical weighting factor," as used in this Section, has the same meaning as "sum of the critical weighting factors" as defined in Section 148.225(c)(2)(A) for the Supplemental CHAP base period.

viii) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.

ix) "Total Medicaid days" means hospital days for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, exclusion days for normal newborns and Medicare/Medicaid crossover days.

x) "Total SCHAP admissions" means total Medicaid admissions that include Medicaid psychiatric admissions and Medicaid rehabilitation admissions for the Supplemental CHAP base period multiplied by a factor of two.

(Source: Added § 148.225(d)(2) at 21 Ill. Reg. _____, effective _____, _____.)

Section 148.297 Pediatric Outpatient Adjustment Payments

Pediatric outpatient adjustment payments shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A) and hospitals organized under the University of Illinois Health Act, as described in Section 148.25(b)(1)(B), for outpatient services occurring on or after July 1, 1997, in accordance with this Section.

a) To qualify for payments under this Section, a hospital must:

i) be a children's hospital, as defined in § 99-111, Admin. Code 149.50(c)(3); and

ii) have pediatric Medicaid outpatient percentage greater than 80 percent during the pediatric outpatient adjustment base period.

b) Hospitals qualifying under this Section shall receive the following amounts for the pediatric outpatient adjustment rate year:

1) For hospitals with a Medicaid inpatient utilization rate (MUR) that is less than 75 percent, the product of:

 a) the hospital's MUR plus one, multiplied by

 b) the number of pediatric adjustable outpatient services multiplied by

C) \$70.

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21) For hospitals with an MUR that is greater than or equal to 75 percent, the product of:
 A) one and one-half the hospital's MUR plus one, multiplied by
 B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 C) In addition to the reimbursement rates described in subsection (b) above, hospitals that have an MUR that is greater than or equal to 80 percent shall receive an additional \$50,000 during the Pediatric Outpatient Adjustment Rate Year.

d) Adjustments under this section shall be paid on a quarterly basis.

e) Definitions

1) "Medicaid Inpatient Utilization Rate (MUR)" means, in this Section, has the same meaning as ascribed in section 18A.1(2)(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.

2) "Pediatric Adjustable Outpatient Services" means the number of outpatient services, excluding procedure code 0080, adjudicated through a UB02 billing form and incurred through the Hospital Ambulatory Care Groupings, as defined in Section 148.14(b)(1)(B), during the Pediatric Outpatient Adjustment Base Period. For a hospital, which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality, Pediatric Adjustment Outpatient Services will include psychiatric services (categories of service 27 or 28) for children less than 18 years of age, that are billed through the affiliated general care hospital.

3) "Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total Pediatric Adjustable Outpatient Services for persons less than 18 years of age divided by the total Pediatric Adjustable Outpatient Services for all persons, during the Pediatric Outpatient Adjustment Base Period.

4) "Pediatric Outpatient Adjustment Base Period" means all services billed to the Department, excluding procedure code 0080, with State Fiscal Year 1996 dates of service that were adjudicated by the Department on or before March 31, 1997.

5) "Pediatric Outpatient Adjustment Rate Year" means State Fiscal Year 1998 and each State Fiscal Year thereafter.

(Source: Added at 21 Ill. Reg. 13372, effective _____)

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NOTICE OF ADOPTED AMENDMENT(S)

Heading of the Part: Certificates of Title, Registration of Vehicles

Code Citation: 92 Ill. Adm. Code 1010

Section Number(s):
 1010.420
 1010.421

Adopted Action:
 Amendment
 New Section

Statutory Authority: Authorized by Chapter 3 and Section 2-104(b) of the Illinois Vehicle Code [225 ILCS 5].

Effective Date of Rule: September 17, 1997

Does this rulemaking contain an automatic fiscal date: No

Does this amendment contain incorporation by reference: No

Date filed in Agency's Principal Office: September 18, 1997

Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 7846, June 27, 1997

Has JCAR issued a State of Objections to these amendments? No

Differences between proposal and final version:
 Technical, non-substantive changes suggested by JCAR.

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

Will these amendments replace an agency rule amendment currently in effect? No

Are there any amendments pending in this Part? No

Summary and Purpose of Rules: Increases accountability for missing temporary permits by issuers.

Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman
 Assistant Counsel
 Room 298, Howlett Building
 Springfield, IL 62756
 217/785-3094

The full text of the Adopted Rules begins on the next page:

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TITLE 92: TRANSFORMATION

CHAPTER 11: SECRETARY OF STATE

PART 10.0 CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section Owner—Application of Term
1010.10 1010.10
Secretary and Department

SUBPART B: TITLES

Section Salvage Certificate—Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.110 1010.120 Salvage Certificate—Assignments and R reassigments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Document Required to Title and Retitle Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lenders and Creditors
1010.170 Junking Notification

SUBPART C: REGISTRATION

Section Application for Registration
1010.210 1010.220 Vehicles Subject to Registration—Exceptions
1010.230 Refusing Registration Certificate of Title
1010.240 Registration Plates to Be Published By The Secretary of State
1010.250 Applications for Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section Operation of Vehicle after Cancellation, Suspension, or Revocation
1010.300 1010.310 of Any Registration
1010.320 Improper Use of Evidence of Registration
1010.330 Suspension, Cancellation or Revocation of Illinois Registration
1010.340 Plates and Cards and Titles
1010.350 Operation of Vehicle Without Proper Illinois Registration
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

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NOTICE OF ADOPTED AMENDMENT(S)

Section Temporary Registration—Individual Transactions
1010.410 1010.420 Temporary Registration Pending Registration in Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
1010.425 Non-Resident Drive-Away Permits

Section Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and for Trucks
1010.430 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces Licenses Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates for Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section Determination of Registration Fees
1010.510 When Fees Refundable
1010.520 Circuit Breaker Registration Discount
1010.530 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section Unlawful Acts, Fines and Penalties
1010.610 Change of Engine
1010.620

SUBPART H: SECOND DIVISION VEHICLES

Section Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing

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1010.730 Intrastate Movements, Foreign Vehicles
 1010.735 Interstate Movements
 1010.740 Trip and Short-term Permits
 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles
 (Repealed)
 1010.755 Mileage Tax Plates
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
 1010.760 Transfer for "For-Hire" Loads
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
 1010.770 Requirements for Trucks and Buses to detect "intrastate" movements
 1010.775 Certificate of Safety

APPENDIX A
Uniform Vehicle Registration and Reciprocity
AgreementAPPENDIX B
International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code 1625 ILLCS 5/Ch. 3 and 2-04(a)(5).

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978; for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective January 21, 1983; amended at 7 Ill. Reg. 1374, effective January 21, 1983; amended at 8 Ill. Reg. 5359, effective April 6, 1984; amended 9 Ill. Reg. 91356, effective March 1, 1985; amended 9 Ill. Reg. 9116, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 1, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 13038, effective August 19, 1986; recodified at 11 Ill. Reg. 15290; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 13191, effective September 15, 1988; amended at 13 Ill. Reg. 1388; effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6884, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19065, effective November 15, 1990; amended at 15 Ill. Reg. 12982, effective August 15, 1991; amended at 16 Ill. Reg. 12887, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19

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III. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 1149, effective August 1, 1996; amended at 21 Ill. Reg. 13 3/2, effective 5/17/97.

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.420 Temporary Permit Pending Registration in Illinois

General Provisions

1) For the purpose of this Part, Illinois "Temporary Registration Permit" (hereinafter referred to as "Temporary Permit") shall refer to a temporary card issued ~~to~~ as provided by the Secretary of State, which allows the operation of a vehicle after proper application has been made and fees received, until the receipt of registration plates and/or sticker.

2) The Secretary of State shall prescribe the form and content of the Temporary Permit. The Secretary of State shall issue the Temporary Permit and no other document shall be deemed a valid Temporary Permit. This provision shall in no way be construed as restricting the provisions of Section 3-401 of the Illinois Vehicle Code.

3) The Temporary Permit shall not be valid for more than 60 days (90 days for vanity and personalized plates), from the date of issuance unless extended or reduced at the discretion of the Secretary of State. In exercising that discretion, the Secretary of State shall take into consideration the following factors:

- The nature and type of application;
- The availability of the registration plates and/or stickers applied for;
- The processing time for the application;
- Other relevant matters affecting the issuance thereof.

In any event, once the applied-for registration plates and/or stickers have been issued to and received by the applicant, the Temporary Permit is void.

4) The Temporary Permit must be displayed on the windshield of the vehicle for which it is issued as follows:

- The Temporary Permit may be displayed in the lower left corner of the back window.
- The Temporary Permit may be displayed in the lower left corner of the front window.
- The Temporary Permit may be removed upon receipt of the registration plates and/or sticker. The Temporary Permit is not transferable from one person to another, nor from vehicle to vehicle.

5) In addition to the issuance of Temporary Permits to specific applicants—the Secretary of State shall issue upon request

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b) **Temporary Permits to the Following for Completion by them:**
A) All-licensed-vehicle-dealers-registered-and-in-good-standing-with-the-Secretary-of-State---date---dated---may-issue temporary-permits-only-to-persons-transacting-with-vehicles-from-those-dealers-and-only-after-application-for-title-and-registration-has-been-completed---All-dealers-which-maintain-records-of-all-temporary-permits-issued---as-prescribed-in-Section-5-401-2-of-the-Illinois-Vehicle-Code---Purchaser-to-do-so-and-reserve-in-the-dealership-warehouse-or-an-agency-of-a-dealer-a-license-under-Section-5-514-of-the-Illinois-vehicle-Code.

B) All-licensed-remittance-agents-registered-and-in-good-standing-with-the-Secretary-of-State---Each-remittance-agent-may-issue-temporary-permits-only-to-persons-whose-applications-the-remittance-agent-accepts-for-transmittal-to-the-Secretary-of-State---A-remittance-permit-may-only-be-issued-in-connection-with-an-application-for-title-and-registration-only-if-the-purchaser-is-a-financial-institution-or-connection-with-an-application-for-the-renewal-of-a-registration---The-Secretary-shall-spend-determination-by-an-court-proceeding-or-at-an-administrative-hearing-definite-to-issue such-permits-to-any-remittance-agent---or-demand-return-of-unused-permits-for-violating-any-provision-of-the-Illinois-Vehicle-Code---All-remittance-agents-receiving-such-permits-shall-maintain-records-thereof-as-prescribed-in-Section-3-310-of-the-Illinois-Vehicle-Code-Permit-to-do-so-entitling-result-in-the-delivery-revenue-taxes-or-suspension-of-a-remittance-agents-license-under-Section-3-906-and-Section-3-907-of-the-Illinois-Vehicle-Code-All-investigations-employed-by-the-Secretary-of-State-are-allowed---Current-Exchanges-registered-and-in-good-standing-with-the-Department-of-Finance---Institutions-bath---Currency-Exchange-may-issue temporary-permits-only-to-persons-whose-applications-the-Currency-Exchange-accepts-for-transmittal-to-the-Secretary-of-State---A-temporary-permit-may-only-be-issued-in-connection-with-an-application-for-title-and-registration-or-registration-on-a-temporary-permit-issued-in-connection-with-an-application-for-renewal-of-a-registration---All-Currency-Exchange-receiving-temporary-permits-shall-maintain-records-thereof-reflecting-the-information-contained-in-the-temporary-permit---The-Secretary-shall-apply-determinant-by-any-court-proceeding-on-and-administrative-hearing-definite-to-issue temporary-permits-to-any-Currency-Exchange-who-has committed-any-violation-of-the-Illinois-Vehicle-Code-or-ratiotherefor, for-failure-to-keep records-required-benefits-for-any-other-violation-relating-to-the-use-or-issue-of-temporary-permits.

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6) Any-temporary-permit-issued-by-one-of-the-above-named-groups-must also-be-issued-in-connection-with-the-following:
A) Issued-in-numerous-sequence-as-received-from-the-Secretary-of-State:
B) Issued-only-by-the-Battery-Remittance-Agent---Secretary-of-State-Police-employee-or-Currency-Exchange---that-received-the-temporary-permit-from-the-Secretary-of-State:
C) Entitled-all-of-the-information-requested-when-applied-for---Batteries-are-terminated---or-when-issued-by-a-remittance-agency-or-current-exchange---when-issued-to-the-Secretary-of-State-it-shall-be-the-signature-of-the-employee-issuing-it-and-that-persons-signature-and-department-

b) Newly Acquired Vehicles
A temporary permit to operate a newly acquired vehicle for which a valid application for title and registration has been filed, accompanied with the proper fees, may be issued by or for the Secretary of State to the buyer of such vehicle, pending action upon said application.

c) Renewal Registrations
In the event that an individual fails to renew a registration plate or sticker upon expiration, a temporary permit may be issued only by a state facility or remittance agent, and only under the following circumstances:
1) The applicant presents to the facility proof of ownership of the vehicle through a title, preprinted application, I.D. Card, or verification of some by the records of the Secretary of State.
2) The applicant presents payment of all fees due to the facility.
3) The renewal registration plates or stickers may be issued only available at a financial institution, as defined in Section 1010.240 of this Part.
4) The appropriate registration stickers or registration plates are not immediately available at the facility.

d) Miscellaneous Provisions
The Secretary of State may also issue temporary permits only to official State of Illinois facilities in any of the following situations:
1) If an individual has made application for registration, either renewal or otherwise, prior to expiration and does not receive the registration by the expiration date, the individual must present proof thereof acceptable to the Secretary of State;
2) Any situation where the individual makes proper application for title and registration, or registration alone, and the Secretary of State is unable to issue the appropriate registration at that time.

(Source: Amended at 21 Ill. Reg. 13379, effective 5/1/1991)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100-421. Issuance of Temporary Registration Permits by Persons or Entities Other than the Secretary of State

- a) In addition to the issuance of temporary permits to specific applicants, the Secretary of State may issue, upon request, blank temporary permits to the following for completion by them:
 - 1) licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue temporary permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any dealer or demand return of unused permits for violation of the Illinois Vehicle Code. All dealers shall maintain records of all temporary permits issued as described in Section 5-401.2 of the Illinois Vehicle Code. Failure to do so could result in denial, revocation, or suspension of a dealer's license under Section 5-501 of the Illinois Vehicle Code.
 - 2) licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent shall issue temporary permits only to persons whose applications for remittance agent access to the Secretary of State. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any remittance agent, or demand return of unused permits for violation any revision of the Illinois Vehicle Code. All remittance agents receiving such permits shall maintain records thereof as described in Section 3-910 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation or suspension of a remittance agent's license under Sections 3-906 and 3-907 of the Illinois Vehicle Code.
 - 3) currency exchanges licensed by, and in good standing with, the Department of Financial Institutions. Currency exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive temporary permit books. Each currency exchange may issue temporary permits only to persons whose applications the currency exchange accepts for transmittal to the Secretary of State. A temporary permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All currency exchanges receiving temporary permits shall maintain records of the issuance thereof. The Secretary shall maintain records of the issuance of temporary permits to any administrative hearing, decline to issue temporary permits at an administrative hearing that has committed any violation of the Illinois Vehicle Code.

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Code of rule thereof, for failure to keep records required herein, or for any other violation relating to the use or issuance of temporary permits.

b) Issues of temporary permits must be in compliance with the following:

- 1) Temporary permits shall be issued in numerical sequence as received from the Secretary of State;
- 2) Temporary permits shall be issued only by the dealer, remittance agent, or currency exchange that received the temporary permit from the Secretary of State;
- 3) temporary permits shall contain all of the information requested where applicable;
- 4) temporary permits shall bear the name of the issuing entity and the signature of the issuing employee;
- 5) issuers of temporary permits shall reimburse the Secretary of State \$50 per permit for lost, missing, stolen, or destroyed permits. The Secretary of State shall have the discretion to waive this fee upon satisfactory proof that the temporary permits were destroyed by fire, or flooded, or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the temporary permits;
- 6) issuers shall maintain copies of all temporary permits issued for a period of 3 years. When a second or subsequent temporary permit is issued for the same vehicle, the original temporary permit must be attached to the duplicate of the replacement temporary permit. If the subsequent temporary permit is issued by a different issuer than the original temporary permit, the previous permit number and issuance date shall be recorded on the record copy of the subsequent temporary permit;
- 7) when the issuer is no longer engaged in the business of issuing temporary permits, the issuer shall return all temporary permit books for which permits were issued and all unused temporary permits to the Secretary of State. Issuer shall bear risk of loss until all temporary permits are received.
- 8) the Secretary of State shall have free access to the offices and places of business to examine fully all temporary permit books and other business records, documents, and files of the issuer to determine whether such issuer is complying with the provisions of this section.

d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of temporary permits.

(Source: Added at 21 Ill. Reg. 437-2, effective _____.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs
- 2) Code Citation: 77 Ill. Adm. Code 510
- 3) Section Numbers: Emergency Action:
- 4) Amendments
- 5) Appendix C
- 6) If this emergency rule is to expire before the end of the 150 day period, please specify the date on which it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: September 30, 1997
- 8) Reason for Emergency: Public Act 90-0043 (Senate Bill 8) became effective on July 2, 1997. This law amends the Criminal Code of 1961 and the Illinois Vehicle Code to lower the concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08. Section 11-501.2 of the Illinois Vehicle Code requires the Department to approve methods of blood, breath and urine testing and to promulgate standards for the performance of such tests. The Department is obligated to act as quickly as possible to amend its rules to conform to the requirements of the law. Failure of the Department to implement P.A. 90-0043 on a timely basis would pose a threat to the safety of the people of Illinois. The change in law is intended to remove drivers from the roads who are operating vehicles at dangerous alcohol concentrations levels. A discrepancy between the law and the Department's rules could result in legal challenges. Amending the Department's rules to eliminate reference to the .10 level will help to ensure that the intent of the law is carried out.

- 9) A Complete Description of the Subjects and Issues involved: The rules in Part 510 set forth the Department's standards for testing of breath, blood and urine for alcohol and/or other drugs. The rules are being amended in response to P.A. 90-0043 (effective July 2, 1997), which amended the Criminal Code of 1961 and the Illinois Vehicle Code to lower the concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08. Section 510.310 establishes requirements for preliminary breath screening test units. The rule is being amended to delete requirements for pass/fail units, which use a red light to indicate an alcohol level of 1.0 or higher. These units will no longer be accepted by the Department. Requirements for digital units are clarified. Section 510.Appendix C is being amended to delete reference to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will require local law enforcement agencies to discontinue use of pass/fail and digital pass/fail units.
- 12) Information and Questions regarding these amendments shall be directed to:

Gail DeVito
Division of Legal Services
Illinois Department of Public Health
515 W. Jefferson
5th Floor
Springfield, IL 62761
(217)782-2043

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF DODIC WEAVER

**TITLE 77: PUBLIC HEALTH
PART I: DEPARTMENT OF PUBLIC HEALTH**

PART 510

EMERGENCY APPENDIX A **EMERGENCY APPENDIX B** **APPENDIX C**

Sample Logbook Sheet

List of Illinois Instruments	Approved	Evidential	Breath Analysis
List of Illinois Instruments	Approved	Preliminary	Breath Analysis

Implementing and authorized by Section 11-501.2 of the Illinois

Enforcement Code 162 LCC 511-511.24.

THE JOURNAL OF CLIMATE

a) Preliminary breath test units are portable electrically or battery

UNARMED AND DANGEROUS

NOTICE OF EMERGENCY AMENDMENTS

b) powered units, used to determine if alcohol is present in the tested subject's breath.

Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department (see Section 510.Appendix C). No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument that is not approved after initial testing shall

Instruments

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 510. APPENDIX C List of Illinois Approved Preliminary Breath Screening
Analysis Instruments
EMERGENCY

MANUFACTURER	MODEL	PASS/FAIL	DIGITAL
CMI, Inc. Queensboro, KY	S-D2	X	X
Intoximeters, Inc. St. Louis, MO	Alcosensor II Alcosensor III	X X	X X

NOFB--Approval-of-the-following-instruments-will-cause-effective--density--at-
1996--the-following-instruments-are-either-no-longer-manufactured-or-repair-
parts-are-no-longer-available-or-support-is-limited-or-use-as-technology--for
analysis-of-breath-other-than-the-fuel-cell-technology

Approved-Technology			
AIEB-CHEN-i	X		
AIEB-EMBR-iF	X		
AIEB-EMBR-9999	X		
Guth-Labotronics-Inc/ Harrisburg-PA	X		
AIdeo-TecFor-Mark-X			
AIERT-Model-i-4	X		
AIcohol-Countermeasures Systems-Inc/ Port-Huron-MI			

(Source: Emergency amendment at 21 Ill. Reg. 1535, effective September 30, 1997, for a maximum of 150 days)

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO

EMERGENCY RULINGMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES Employee

Heading of the Part: Department of Children and Family Services Employee

Conflict of Interest

Code Citation: 89 Ill. Adm. Code 437

Section Numbers: 437.1 437.2 437.3 437.4

437.5 437.6 437.7 437.8

437.9 437.40(i) 437.40(o)

Date Originally Published in the Illinois Register: 8/15/97 21 Ill. Reg. 1153

At its meeting on September 16, 1997, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Children and Family Services Employee Conflict of Interest (89 Ill. Adm. Code 437; 21 Ill. Reg. 1153) because Section 437.40(i) of the rulemaking sets the nominal token of appreciation or courtesy for participating in a governmental civic, professional, athletic or similar event at \$75 in contravention of Executive Order #2 (9/1/97) that sets the value at \$50. Also, the Committee objected because the rulemaking pre-emptively specifies all conflicts of interest regulation, thus removing from the Illinois Administrative Code the regulations that continue to apply to current bargaining unit employees. Also, when Section 437.40(i) of the rulemaking was drafted the Department, in its effort to remove all potential conflicts of interest, placed foster parent support specialists and master foster parents (who by the nature of their job duties must be licensed foster parents) in the situation of resigning from their advisory positions, returning their foster children or requiring the foster families to seek services from private child welfare agencies.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION AND RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF STATE POLICE MERIT BOARD

Heading of the Part: Procedures of the Department of State Police Board
Mert

Code Citation: 80 Ill Adm Code 150

Section Numbers: 150.210

Date Originally Published in the Illinois Register: 6/6/97

Date Originally Published in the Illinois Register: 21 Ill Reg 6825

At its meeting on September 16, 1997, the Joint Committee on Administrative Rules objected to the rules of the State Police Merit Board entitled Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150; 21 Ill Reg 6825) because the Board is currently unable to provide justification that increasing educational requirements will improve State Trooper performance. The Committee recommends that the Board remove the requirement that State Police candidates have a bachelor's degree by the year 2000 until the Board can justify burdening State Trooper candidates with this additional requirement.

* Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

Heading of the Part: Animal Diagnostic Laboratory Act
Code Citation: 8 Ill. Adm. Code 110

Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 11990; September 5, 1997

Date, Time and Location of Public Hearing:
Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5113
Facsimile: 217/785-4505

1) As announced in 21 Ill. Reg. 11990, those individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

2) The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 11996; September 5, 1997
- 4) Date, Time and Location of Public Hearing:
Thursday October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Faxsimile: 217/785-5713
- 5) As announced in 21 Ill. Reg. 11996, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the Agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12005; September 5, 1997
- 4) Date, Time and Location of Public Hearing:
Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Faxsimile: 217/755-4505
- 5) As announced in 21 Ill. Reg. 12005, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Equine Infectious Anemia Control
- 2) Code Citation: 8 Ill. Adm. Code 116
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12024; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9981
217/785-5113 Facsimile: 217/785-4905

- 5) As announced in 21 Ill. Reg. 12024, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Feeder Swine Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 590
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12027; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9328
Telephone: 217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 21 Ill. Reg. 12027, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Illinois Bovine Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3) Re-Lister Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12030; September 5, 1997
- 4) Date, Time and Location of Public Hearing:
Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62799-3281
Telephone: 217/785-3713 Faxsimile: 217/785-4505
- 5) As announced in 21 Ill. Reg. 12030, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Re-Lister Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12040; September 5, 1997
- 4) Date, Time and Location of Public Hearing:
Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62799-3281
Telephone: 217/785-3713 Faxsimile: 217/785-4505
- 5) As announced in 21 Ill. Reg. 12040, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12046; September 5, 1997.
- 4) Date, Time and Location of Public Hearing:
Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9981
217/785-5713 Facsimile: 217/785-4505
- 5) As announced in 21 Ill. Reg. 12046, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 1) Heading of the Part: Livestock Dealer Licensing
- 2) Code Citation: 66 Ill. Adm. Code 610
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12052; September 5, 1997.
- 4) Date, Time and Location of Public Hearing:
Thursday, October 16, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713 Facsimile: 217/785-4505
- 5) As announced in 21 Ill. Reg. 12052, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12056; September 5, 1997
- 4) Date, Time and Location of Public Hearing:
Thursday, October 15, 1997, 10:00 a.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713 Faximile: 217/785-4505
- 5) As announced in 21 Ill. Reg. 12056, those individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should mail written comments to the attention of Debbie Rafeield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.
- The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PUBLIC HEARING

The Carnival-Amusement Safety Board will hold a second public fact finding hearing as a part of its efforts to determine whether go-karts used in street racing events, commonly advertised as "Go-Kart Charity Gran Prix's", are subject to regulation or not.

- 1) Heading of the Part: Carnival and Amusement Rides Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Date, Time, Place and Location of Public Hearing:
October 24, 1997
Friday, 11 A.M.
Illinois Department of Labor
James R. Thompson Building
160 N. LaSalle, Suite C-1300
Chicago, IL 60601
- 4) Other pertinent information: The Department of Labor believes that go-karts used in street racing events, commonly advertised as "Go-Kart Charity Gran Prix's", which are not sanctioned by a nationally recognized racing association, present a hazard to the public and are subject to regulation under the Carnival and Amusement Rides Safety Act. The Department has asked the Board for inspection guidelines in order to regulate these events and assure that established safety standards are adhered to. The Board is seeking additional input from all interested parties before taking any action on the Department's request for guidelines.

The guidelines would not affect any event which is sanctioned under the auspices of a nationally recognized organization such as Grand Prix Racing, World Karting Association, International Karting Federation and others.

Written comments will be accepted until November 7, 1997.

- 5) Name and address of Agency Contact Person:

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor
James R. Thompson Building
160 N. LaSalle St., Suite C-1300
(312) 792-1805

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 16, 1997 through September 22, 1997 and have been scheduled for review by the Committee at its October 21, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice Meeting	10/21/97	10/31/97	Secretary of State, Revised Uniform Limited Partnership Act (14 Ill Adm Code 170)	8/1/97 21 Ill Reg 10028	10/21/97
10/30/97	Department of Children and Family Services, Planning for Statewide Resource Allocation (89 Ill Adm Code 326)	7/11/97 8733	10/21/97	11/1/97	Department of Professional Regulation, Clinical Psychologist Licensing Act (68 Ill Adm Code 1000)	5/30/97 21 Ill Reg 6389	10/21/97
10/30/97	Department of Children and Family Services, Grants-In-Aid (89 Ill Adm Code 360)	7/11/97 8728	10/21/97	11/1/97	Department of Professional Regulation, Illinois Public Accounting Act (68 Ill Adm Code 1420)	7/1/97 21 Ill Reg 8837	10/21/97
10/30/97	Department of Natural Resources, Hunting Season for White-Tailed Deer (17 Ill Adm Code 685)	8/1/97 10001	10/21/97	11/5/97	Carnival-Amusement Safety Board, Carnival and Amusement Ride Safety Inspection Law (56 Ill Adm Code 6000)	7/25/97 21 Ill Reg 9632	10/21/97
10/30/97	Department of Children and Family Services, Audits, Reviews, and Investigations (49 Ill Adm Code 434)	7/11/97 8704	10/21/97				
10/30/97	Property Tax Appeal Board, Procedures (86 Ill Adm Code 1910)	8/1/97 10004	10/21/97				
10/31/97	Secretary of State, Business Corporation Act (14 Ill Adm Code 150)	8/1/97 10019	10/21/97				
10/31/97	Secretary of State, Limited Liability Company Act (14 Ill Adm Code 178)	8/1/97 10023	10/21/97				
10/31/97	Secretary of State, Uniform Partnership Act (14 Ill Adm Code 165)	8/1/97 10032	10/21/97				

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

		SECRETARY OF STATE, REVISED UNIFORM LIMITED PARTNERSHIP ACT (14 ILL ADM CODE 170)	8/1/97 21 ILL REG 10028	10/21/97
11/1/97	DEPARTMENT OF CHILDREN AND FAMILY SERVICES, DEPARTMENT ADVISORY COUNCIL, ILLINOIS JUVENILE JUSTICE COMMISSION AND OTHER STATEWIDE AND REGIONAL COMMITTEES (89 ILL ADM CODE 128)	7/7/97 21 ILL REG 8117		10/21/97

PROCLAMATIONS

97-498

URUGUAY DAY

Whereas, August 25th is the 172nd anniversary of the independence of Uruguay, a nation whose goals and objectives of freedom and democracy for its people are similar to those of the United States; and whereas, these two countries also share a long history of commercial ties, including Uruguay's invaluable assistance to the City of Chicago after its devastating fire in 1871; and

Whereas, as a trading partner with this country, Uruguay encourages the development of its resources, the enhancement of its agri-businesses, and the expansion of its industry to our mutual benefit;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 25, 1997, as URUGUAY DAY in Illinois in celebration of this significant date in its history.

Issued by the Governor August 25, 1997.

Filed by the Secretary of State September 19, 1997.

97-499

CHIROPRACTIC HEALTH CARE MONTH

Whereas, doctors of chiropractic throughout the United States are active in community programs targeted at improving the health of our citizens; and whereas, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

Whereas, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of some two million of our state's citizens; and

Whereas, the Illinois Chiropractic Society will hold its Fall convention October 3-4, 1997, in Springfield, Illinois.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-500

COMPUTER LITERACY WEEK

Whereas, the Computer Literacy Fair is a wonderful opportunity for citizens to explore the information technology resources available within the State of Illinois; and

Whereas, exhibitors will be promoting computer and information technology training courses; and citizens can raise awareness to the demand for more computer and information technology skilled persons; and

Whereas, the Computer Literacy Fair will address the issues related to computer and information technology which impacts communities and companies, as well as individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 6-10, 1997, as COMPUTER LITERACY WEEK in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-501

DOMESTIC VIOLENCE AWARENESS MONTH

Whereas, domestic violence is a devastating problem affecting persons of all economic, racial, and social backgrounds with both immediate and long-lasting effects on victims and their children and on society as a whole; and

Whereas, the State of Illinois recognizes that in addition to imposing sanctions on abusers, we must also meet the needs of battered women and their children who often suffer grave financial, physical, and psychological losses; and

Whereas, the Illinois Department of Human Services provides nearly \$10 million to 152 domestic violence programs providing services such as shelter, information and referral, advocacy, crisis hotline, counseling, and transportation to more than 45,000 victims of domestic violence and their children in the state; and

Whereas, Illinois laws have been revised and expanded to increase protection or victims of domestic violence, including strengthening orders of protection and expanding police powers in abuse situations; and

Whereas, stalking and aggravated stalking are now criminal offenses that offer victims of domestic violence greater protection from perpetrators; and

Whereas, we need to continue our best efforts to eliminate domestic violence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as DOMESTIC VIOLENCE MONTH in Illinois, and urge citizens to take part in working toward the elimination of domestic violence so that people can be safe and without fear in their homes and personal lives.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-502

IRON OVERLOAD AWARENESS WEEK

Whereas, in Illinois, 57,500 residents are estimated to carry the double genes that lead to storage of dangerous levels of iron; and

Whereas, 13 percent of the population carry a single gene for the metabolic abnormality; and

Whereas, the condition, iron overload, can affect various organs and the joints; and

Whereas, the detection of iron overload is simple but the disease can be deadly if it is not caught and treated;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 21-27, 1997, as IRON OVERLOAD AWARENESS WEEK in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-503

MARTIN F. CONAWAY DAY

Whereas, Martin P. Conatser was elected State Commander of the American Legion on July 19, 1997, at the closing session of the 79th Annual Convention; and

Whereas, his past service includes tenures as Commander of the Platt County Council, 19th District Commander, 4th Division Commander, and Department Senior Vice Commander of the American Legion; and

Whereas, he has faithfully served American Legion Post 102 in Deland, Illinois, for the past 19 years, serving as commander and adjutant, and holding many chairmanships; and

Whereas, he has served on the Membership and Post Activities Committee for the national American Legion; and

Whereas, he has recently retired as Operations Sergeant Major for the Illinois Army National Guard Recruiting Command; and

Whereas, he is committed to the well-being of the veterans of the State of Illinois and their families; and

Whereas, it is appropriate that we set aside a day acknowledging Martin P. Conatser for his dedicated service to community, state, and country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1997, as MARTIN P. CONATSER DAY in Illinois.

97-504

PEORIA SYMPHONY ORCHESTRA DAY

Whereas, the Peoria Symphony Orchestra is a well-known organization that has provided great music for 100 years; and

Whereas, the Peoria Symphony Orchestra has reached the centennial milestone that only 14 other American orchestras have achieved; and

Whereas, the Peoria Symphony Orchestra produces great symphonies, vocal gems and contemporary masterpieces that not only entertain, but educate as well; and

Whereas, the Peoria Symphony Orchestra, founded by Harold Plove in 1897, has offered musical enjoyment to the people of Central Illinois since its inception; and

Whereas, the Symphony established a corps of volunteers who carry with them a dedication to protect and preserve the performing arts in Central Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20, 1997, as PEORIA SYMPHONY ORCHESTRA DAY in Illinois in recognition of the contributions and achievements made during the last 100 years and extend best wishes for the coming century.

Issued by the Secretary of State September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-505

AUDIOR DAY SERVICES WEEK

Whereas, adult day service centers in Herrin, Illinois, are providing professional and compassionate services for adults; and

Whereas, through this service, they enable functionally and cognitively impaired adults to receive needed care and services in a community setting; and

Whereas, adult day centers provide a coordinated program of services including restorative care, and functional maintenance rehabilitation, skilled and preventative care, and individual and group activities; and

Whereas, adult day service centers offer participants an opportunity for enriching educational, therapeutic, and social experiences outside the home; and

Whereas, these centers provide much-needed assistance and counseling for caregivers and involved others; and

Whereas, Williamson County Programs on Aging and the National Adult Day Services Association have designated September 14-20, 1997, as Adult Day Services Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 14-20, 1997, as ADULT DAY SERVICES WEEK in Illinois.

Issued by the Governor September 8, 1997.

Filed by the Secretary of State September 19, 1997.

ADULT IMMUNIZATION AWARENESS WEEK

Whereas, influenza and pneumococcal pneumonia together are the sixth leading cause of death and are responsible for tens of thousands of deaths among Americans, especially those who are 65 years of age and older; and

Whereas, too few adults are being immunized against these diseases, as well as against other highly infectious diseases, including hepatitis B, measles, mumps and rubella; and

Whereas, fewer than half of Americans over 60 years of age are protected against tetanus and diphtheria; and

Whereas, many American adults could be spared hospitalization or death due to complications from influenza and pneumonia this year by simply being immunized with vaccines that have been proven to be safe and effective and that are covered by Medicare; and

Whereas, today in the United States at least 100 times as many adults as children needlessly die each year from vaccine-preventable disease; and

Whereas, the Surgeon General of the United States Public Health Service has repeatedly called on this nation to reduce the enormous cost of health care through prevention programs, including immunizations against infectious diseases;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-18, 1997, as ADULT IMMUNIZATION AWARENESS WEEK in Illinois and urge all citizens to obtain needed immunizations and to maintain records of their personal immunization status,

Issued by the Governor September 8, 1997.

Filed by the Secretary of State September 19, 1997.

97-507

ILLINOIS STATE GREAT CATFISH COOKOFF AND MURPHYSBORO BARBECUE CHAMPIONSHIP DAYS

Whereas, the Great Catfish Cookoff is being held in conjunction with the Illinois State Murphysboro Barbecue Championship; and

Whereas, the Great Catfish Cookoff is the largest and most distinguished catfish Cookoff in the State of Illinois with catfish cooking teams competing

from 10-15 different states each year; and

Whereas, the Great Catfish Cookoff honors its gold and platinum sponsors and the ambassadors for the Murphysboro Barbecue Championship.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18-20, 1997, as the ILLINOIS STATE GREAT CATFISH COOKOFF AND MURPHYSBORO BARBECUE CHAMPIONSHIP DAYS in Illinois.

Issued by the Governor September 8, 1997.
Filed by the Secretary of State September 8, 1997.

97-508 SWEDISH COUNCIL OF AMERICA DAY

Whereas, the Swedish Council of America is celebrating its 25th Anniversary at the Fountain Bleu Restaurant in Des Plaines; and Whereas, the Swedish Council is recognizing 17 individuals who have made significant contributions to their local clubs and organizations by awarding them "The Swedish Council Award of Merit"; and

Whereas, the Swedish Council of America is an umbrella organization with almost 200 organizations around the country; and Whereas, the mission of the Swedish Council of America is to preserve and promote Swedish Heritage and strengthen the cultural relationship between Sweden and the United States; and Whereas, in 1846, the first Swedes came to Illinois and settled in Bishop Hill and over one million Swedes migrated to the United States with many of them settling in the Quad Cities, Rockford and Chicago areas;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 13, 1997, as SWEDISH COUNCIL OF AMERICA DAY in Illinois and urge all citizens to join in activities in celebration of this occasion.

Issued by the Governor September 8, 1997.
Filed by the Secretary of State September 8, 1997.

97-509 AMERICAN HEART ASSOCIATION DAY

Whereas, the American Heart Association (AHA) is a not-for-profit, voluntary health organization funded by private funds that focuses on the reduction of disabilities and death from cardiovascular disease and stroke; and

Whereas, the AHA provides community service programs which promote the benefits of good health and educate doctors, nurses and others about new ways to prevent, diagnose and treat heart disease and stroke; and

Whereas, in the fiscal year 1996-97, the AHA allocated more than \$3 million to fund 83 local research projects targeted toward the prevention and treatment of heart diseases and stroke; and

Whereas, the AHA, thanks to the dedication of thousands of volunteers, is able to bring scientific discoveries to the public in the form of educational programs; and

Whereas, the AHA, since 1991, has taught nearly 2.5 million Chicago area residents in schools, businesses, places of worship and the community at large

with programs designed to reduce the risk of heart disease and stroke;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 29, 1997, as AMERICAN HEART ASSOCIATION DAY in Illinois in recognition

of their mission to reduce disability and death from cardiovascular diseases

from throughout our state.

Issued by the Governor September 9, 1997.
Filed by the Secretary of State September 19, 1997.

97-510 CONGRATULATIONS JAMES AND KELLY LOVETT

Whereas, Kelly Ann Mulvihill and James Braxton Lovett III will be married on September 27, 1997; and

Whereas, Kelly and James met while attending Bradley University in Peoria through friends at Sully's; and

Whereas, James proposed to Kelly on Grandview Drive in Peoria; and Kelly is a nurse;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations on this special day to James and Kelly.

Issued by the Governor September 9, 1997.
Filed by the Secretary of State September 19, 1997.

97-511 MARINNOV DAY

Whereas, twenty-five years ago, March 10, 1972, Marianjoy was granted its license to operate as a hospital. What began as a retirement home for the Wheaton Franciscan Sisters ultimately became a very successful center for rehabilitation and education and

Whereas, after having difficulty filling the 91 licensed beds in the first two years of existence, Bruce Schurman came on board in 1974 as associate administrator to help remedy the situation. He began a public and professional campaign to educate doctors, discharge planners, the public and insurance companies about rehabilitation and

Whereas, 1976 was a landmark year as Schurman became President of Marianjoy and the hospital finally was in the black for the first time. At that time, the hospital handled 39 patients daily with a staff of about 200; and

Whereas, in 1981 the hospital raised \$2 million for a \$6 million project. Marianjoy's size was doubled and became certified to offer service delivery to 110 patients. It took three years to complete the project; and

Whereas, Marianjoy pioneered Day Rehabilitation and InterRehab, a subacute program that was innovative, in 1985. The hospital changed their delivery system to diagnostic inpatient programs and other such levels of care. Marianjoy led the field and was the first in the Midwest to offer such programs; and

Whereas, Marianjoy was awarded "Outstanding Rehabilitation Facility" in the nation; and whereas, today, Marianjoy has a growing number of facilities and affiliations throughout the Chicago area, reaching up to the northern suburbs, out to Rockford in the West, and into Palos Heights on the South side. These new sites provide for subacute day rehabilitation and outpatient services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 11, 1997, as MARINNOV DAY in Illinois.

Issued by the Governor September 9, 1997.
Filed by the Secretary of State September 19, 1997.

**97-512
ROBERTS TEMPLE CHURCH OF GOD IN CHRIST
FOUNDER'S WEEK CELEBRATION**

Whereas, Roberts Temple is the first established Church of God in Christ in Chicago, establishing itself in 1917; and
Whereas, Roberts Temple became the name of the Church of God in Christ in 1951; and

Whereas, Roberts Temple honors the founder William Mathew Roberts, who served as the Deacon and later as assistant pastor to Elder Charles Harrison Mason in Memphis, Tennessee in the early 1910's;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim SEPTEMBER 22-27, 1997, as ROBERTS TEMPLE CHURCH OF GOD IN CHRIST FOUNDER'S WEEK CELEBRATION in Illinois.

Issued by the Governor September 9, 1997.
Filed by the Secretary of State September 19, 1997.

97-513 KPMG'S WORLD OF SPIRIT DAY

Whereas, there is a critical need for companies and individuals to make a commitment to the communities in which they live and work; and
Whereas, in commemoration of its 100 years in business, KPMG's 20,000 partners and employees nationwide will dedicate an entire business day to community service; and

Whereas, on the basis of this World of Spirit Day, KPMG was invited to participate in the Presidents' Summit of America's Future; and

Whereas, in Chicago alone, 1,500 KPMG partners and employees will lend a hand to make the Chicago Public Schools a better place for Chicago's students to spend the day; and

Whereas, the commitment of KPMG's Chicago office sets a standard for Illinois businesses to follow:

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim SEPTEMBER 22, 1997, as KPMG'S WORLD OF SPIRIT DAY in Illinois.

Issued by the Governor September 10, 1997.
Filed by the Secretary of State September 19, 1997.

97-514 NORTHEASTERN MEMORIAL HOSPITAL DAY

Whereas, Northwestern Memorial Hospital is celebrating 25 years of dedication and hard work toward the citizens of Illinois; and
Whereas, Northwestern Memorial Hospital was formed on September 1, 1972, as the largest private hospital in the State of Illinois by the union of Passavant Memorial Hospital (Chicago Wesley Memorial Hospital) and the close cooperation of Northwestern University Medical School; and

Whereas, both Passavant and Wesley were memorable institutions dating back to the era of the Civil War, and serving the north central portion of the City of Chicago for over 100 years each; and

Whereas, Northwestern Memorial Hospital is today known as one of the premier academic medical resource hospitals in the country; and
Whereas, Northwestern Memorial Hospital makes outstanding contributions to quality patient care, graduate medical education, and research;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

SEPTEMBER 17, 1997, as NORTHEASTERN MEMORIAL HOSPITAL DAY in Illinois.

Issued by the Governor September 10, 1997.

Filed by the Secretary of State September 19, 1997.

97-515 AARP WEEK

Whereas, the American Association of Retired Persons (AARP) has 1.6 million members in Illinois among whom innumerable volunteers give of their time to improve the quality of life for persons over the age of 50; and
Whereas, AARP is the nation's leading organization for persons age 50 and older; and
Whereas, AARP serves the needs of individuals 50 and older through information and education, advocacy and community services provided by a network of local AARP Chapters and Illinois Retired Teacher Association Units (IRTA) along with various state level committees and councils; and

Whereas, there are 129 AARP Chapters and 89 IRTA Units in Illinois at this time; and
Whereas, one third of AARP members are in the work force either full time or part time; and

Whereas, On Monday and Tuesday, September 15 and 16, the Illinois AARP will hold its first ever State Conference in Springfield.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim SEPTEMBER 15-21, 1997, as AARP WEEK in Illinois.

Issued by the Governor September 11, 1997.

Filed by the Secretary of State September 19, 1997.

97-516 HISPANIC STATE EMPLOYEE DAY

Whereas, Hispanics represent 905,000 or eight percent of the Illinois population and by the year 2010 will be the largest minority group in the United States; and
Whereas, according to the Bureau of the Census, Illinois ranks among the top five states with sizable Hispanic populations; and
Whereas, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, business, employment, and training opportunities; and

Whereas, the Illinois Association of Hispanic State Employees is sponsoring the 10th Annual Conference on Hispanic State Employment in the University of Illinois at Chicago on October 3. The theme of this year's conference is "Past, Present & Future: Challenges for Latinos in State Government."

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim OCTOBER 3, 1997, as HISPANIC STATE EMPLOYEE DAY in Illinois in recognition of the contributions Hispanic employees have made to the vitality and growth of our state.

Issued by the Governor September 11, 1997.
Filed by the Secretary of State September 19, 1997.

97-517

AIDS WALK ROCKFORD DAY

Whereas, the AIDS Care Network (ACN) is a not-for-profit, community-based organization dedicated to working with people with AIDS/HIV, their families, partners, and friends; and

Whereas, the main purpose of ACN is to provide people affected by the AIDS epidemic with support - emotional, educational and practical; and

Whereas, as the need continues, ACN will devote energy and talent to provide compassionate care and resources targeted to prevent the spread of HIV disease; and

Whereas, ACN was founded in 1988 by a core group of concerned persons who realized the need for a local support and resource network; and

Whereas, the ACN is holding a 10 kilometer walk in Rockford as their major fundraiser in order to provide numerous services and programs to people affected by the AIDS epidemic; and

Whereas, the money raised, through walker's pledges and corporate sponsorships, will help ensure more men, women and children infected and affected by HIV and AIDS have access to compassionate health and social services that meet their needs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1997, as AIDS WALK ROCKFORD DAY in Illinois in recognition of your commitment to people affected by AIDS.

Issued by the Governor September 12, 1997.

Filed by the Secretary of State September 19, 1997.

97-518

DICK MILLER CONGRATULATED

Whereas, Richard P. "Dick" Miller is the State Director of Governmental Affairs for GTE; and

Whereas, Dick graduated from Tiskilwa High School and attended Western Illinois University and Bradley University; and

Whereas, Dick served in the United States Army from 1955 through 1957 and achieved the rank Corporal; and

Whereas, Dick has served in many service organizations such as the Rotary Club, Kiwanis Club, Jaycees, Elks and the Chamber of Commerce; and

Whereas, in addition to his love for golf, Dick's special interests include community and governmental affairs; and

Whereas, Dick and his wife, Avlon, are the proud parents of two sons, Gary (Jan) of Carlinville, IL, and Ron(vert) of Boston, VA, and five grandchildren, Nicholas, Jason, Eric, Jessica and Jennifer; and

Whereas, Dick has been employed with GTE for 40 years; and

Whereas, Dick will be retiring from GTE on September 30, 1997; Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Dick Miller on his retirement from GTE and wish him many more years of happiness.

Issued by the Governor September 12, 1997.

Filed by the Secretary of State September 19, 1997.

97-519

HUNTING AND FISHING DAY

Whereas, September 27, 1997, is National Hunting and Fishing Day, a day set aside to recognize the many positive activities and meaningful contributions and support of sportmen and sportswomen throughout the United States to the existence of and operation of modern scientific wildlife management programs; and

Whereas, Illinois outdoorsmen and outdoorswomen continue to contribute to the more than \$3.5 million each day nationally given to support wildlife conservation efforts; and

Whereas, the Department of Natural Resources supports this event and the contributions of Illinois' sportmen and sportswomen with two celebrations, Northern Illinois at Silver Springs State Fish and Wildlife Area and Southern Illinois at John A. Logan College;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1997, as HUNTING AND FISHING DAY in Illinois.

Issued by the Governor September 12, 1997.

Filed by the Secretary of State September 19, 1997.

97-520

NATIONAL COUNCIL OF NEGRO WOMEN DAY

Whereas, the National Council of Negro Women, Inc., was founded in 1935 by legendary educator and human rights activist, Mary McLeod Bethune; and

Whereas, the National Council of Negro Women sponsors educational, economic, social, cultural, and scientific self-help projects across the country; and

Whereas, the National Council of Negro Women is supported by 34 nationally affiliated organizations and 250 community-based sections; and

Whereas, the Group for African-American Women and their Families; and the principal advocacy group for Negro Women is considered the principal

Whereso, the National Council of Negro Women has an outreach to over four million women;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4, 1997, as NATIONAL COUNCIL OF NEGRO WOMEN DAY in Illinois.

Issued by the Governor September 12, 1997.

Filed by the Secretary of State September 19, 1997.

97-521

ASSOCIATION FOR CHILD ENFORCEMENT SUPPORT DAY

Whereas, the Association for Child Enforcement Support (ACES) of Illinois was founded in 1984 dedicated to helping families in need; and

Whereas, ACES has grown to over 35,000 members across 17 states in just 13 years; and

Whereas, ACES brings people together to join forces and fight for the rights of children and the single parents responsible for their care; and

Whereas, ACES has developed local chapters in order to administer hands-on emotional support as well as information necessary to assist families in need of help with child support enforcement; and

Whereas, ACES provides a toll-free telephone "hot line" for information

about collecting child support; answering vital questions and pointing out every available option to families in need of help trying to collect child support;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6, 1997, as ASSOCIATION FOR CHILD ENFORCEMENT SUPPORT DAY in Illinois in recognition of their commitment to assisting disadvantaged children affected by parents who fail to meet the legal, moral, and financial obligations of child support.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

CHICAGO HUMANITIES FESTIVAL DAYS

Whereas, the Chicago Humanities Festival is the singular occasion in which Chicago's most prestigious cultural institutions work together to create an event which no institution could produce on its own; and

Whereas, the Festival increases the international presence and stature of the city; and

Whereas, the event promotes cultural tourism by drawing people from around the world and Illinois to the city of Chicago; and

Whereas, the theme of the 1997 Festival is "Work and Play" and will be explored by world renowned artists, writers, and performers in 90 programs that take place at cultural and educational institutions throughout the Chicago area;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 6-9, 1997, CHICAGO HUMANITIES FESTIVAL DAYS in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

JERRY KRAUSE DAY

Whereas, the 17th Annual Celebration of Basketball Dinner to benefit Little City Foundation will be held Sunday, September 28, 1997, at the Hyatt Regency Chicago; and

Whereas, the event will honor Chicago Bulls Vice President of Basketball Operations Jerry Krause, in recognition of his contributions to basketball and his dedication to community service; and

Whereas, the dinner will be attended by a variety of civic, business and labor leaders, as well as other dignitaries and fans; and

Whereas, proceeds of the event will enable Little City Foundation to continue and expand its many life enriching programs which allow children and adults with mental retardation and other developmental challenges to live a life with dignity and respect; and

Whereas, the event's General Chairman, Kenneth A. Skopek, President of MidCity Financial Corporation, and members of the Dinner Committee have committed their time and effort to make the benefit possible;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 28, 1997, as JERRY KRAUSE DAY in Illinois and urge all citizens to show their support.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

Whereas, Jim and Carol Baum have been named the 1997 Illinois Retailers of the Year for their tremendous success in retailing; and

Whereas, this success has come as an independent retailer serving Northern Illinois; and

Whereas, their stores include "Baum's", a clothing store which began as a traditional "dry goods" store 123 years ago in 1874 and later expanded to become one of the largest women's specialty stores in Northern Illinois; and Whereas, Jim and Carol have expanded over the years beyond clothing to include many specialty items; and

Whereas, Jim Baum shares his retailing experience as a Past-Chairman and current Director of the Illinois Small Store Merchants Association, a primary contributor and editor of the "Small Store Survival Guide" study, and a director since 1983 on the National Retail Federation's Independent Stores Board of Directors; and

Whereas, this experience and contribution was recognized in 1993 when Jim and Carol Baum were named the National Retail Federation's "Small Store Retailer of the Year"; and

Whereas, Jim Baum's experience has been shared and recognized on the international level as a delegate to several of the World Conferences on Retailing including as a guest speaker in Sidney in 1988 and Copenhagen in 1990; and

Whereas, the Baum's have lent their effortlessly to help ensure the economic development of Morris, Illinois, and the surrounding area through their service in numerous organizations including the District #10 Board of Education, the Regional Board of School Trustees, Grundy County Chamber of Commerce, Morris Planning Commission, and the Morris Downtown Development Partnership of which Jim Baum is currently president;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 23, 1997, as JIM AND CAROL BAUM DAY in Illinois in recognition of their outstanding contributions to retailing and economic development.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

97-525

LEIF ERICKSON DAY

Whereas, October 9, 1997, the Norwegian National League of Chicago and the Scandinavian community are sponsoring the 73rd Annual Leif Erickson Festival on Leif Erickson Day at the Scandinavian Club; and

Whereas, the discovery of the North American mainland by Leif Erickson is one of the best documented historical events from the Viking Age; and Whereas, today, we are not only paying tribute to a dangerous voyage made by a courageous Norwegian-Greenlander, but to all of the exploits of the Viking voyagers of the past 1,000 years and to their descendants who made the first settlements and explorations of the North American continent; and

Whereas, we are the true heirs of the Viking pathfinders and pioneers and we continue to carry on their traditions and engage in the building of the

western culture and civilization.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9, 1997, as LIEF ERIKSON DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

97-526 SHEAR MADNESS DAY

Whereas, Shear Madness, the phenomenon of the theater world, celebrates its 15th anniversary in Chicago on September 22 and Whereas, Shear Madness has bestowed laughter upon more than one million theater patrons over the past 15 years in Chicago; and Whereas, more than five million people have seen this hilarious whodunit over the past 17 years in theaters throughout the world; and Whereas, Shear Madness has helped the Illinois economy by providing

tourism to the state and business to the local community; and Whereas, Shear Madness is the brainchild of two producers, Marilyn Abrams and Bruce Jordan; and

Whereas, Shear Madness is the longest running non-musical in the history of American Theater, and in every city in the US and abroad it is the longest running play.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as SHEAR MADNESS DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

97-527 WHALING DAY

Whereas, Wyland, the world's leading eco-artist, will paint the 73rd installment of his 100 planned international Whaling Walls at the Hotel Inter-Continental in Chicago, Illinois; and Whereas, millions of visitors will see and enjoy the fruits of Wyland's efforts in the Windy City; and

Whereas, Wyland is considered to be the premier marine life artist of our day; and Whereas, a purpose of Whaling Wall 73 is to inspire young and old to embrace thoughtful environmentalism and celebrate the conservation of our world's oceans through public art and education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as WHALING DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

97-528 WZOK DAY

Whereas, WZOK is celebrating its 50th Anniversary, and is Illinois' oldest FM radio station; and

Whereas, area residents have for years counted on WZOK for entertainment, news and information; and

Whereas, local businesses have called upon WZOK to help in developing customers and build value for their companies; and

Whereas, WZOK has been instrumental in raising funds for various local charities; and

Whereas, today WZOK will celebrate its Anniversary with former disc jockey's, national recording artists and local businesses, who will recognize the station for its 50 years on the air;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate WZOK on its Anniversary and proclaim September, 27, 1997, as WZOK DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

97-529 CHICAGO TEEN CHALLENGE DAYS

Whereas, Chicago Teen Challenge is a non-profit organization incorporated in the State of Illinois; and Whereas, Chicago Teen Challenge operates a residential program that endeavors to help people struggling to overcome drug abuse, alcoholism and gang involvement; and

Whereas, a National Institute on Drug Abuse study found that a Teen Challenge program had an 86 percent cure rate for heroin addicts; and Whereas, a 1992 study of 13 years of graduates of a Teen Challenge program found that 75 percent of the graduates were still drug free and 61 percent of the graduates were abstaining from both drugs and alcoholic beverages; and

Whereas, Chicago Teen Challenge has operated a residential program in the Chicago area since 1961; and Whereas, Chicago Teen Challenge has saved the lives of hundreds of people and has contributed to the health and welfare of the citizens of Illinois; and Whereas, Chicago Teen Challenge will celebrate 36 years of service at its annual banquets on September 29th and 30th.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 29-30, 1997, as CHICAGO TEEN CHALLENGE DAYS in Illinois and hereby urge all citizens of Illinois to recognize this organization for its long and faithful service in its heroic efforts to help people caught in drug addiction and alcoholism, and for the substantial contributions it has made to the health and welfare of the citizens of Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

97-530 CUSTOMER SERVICE WEEK

Whereas, successful businesses are distinguished by their ability to provide excellent customer service and to understand the influence a customer has on a company's prosperity; and

Whereas, the International Customer Service Association (ICSA), founded in 1981 in response to a need for proactive customer service management, is the only non-profit organization of its kind in the world; and

Whereas, with more than 3,000 members internationally, as well as a chapter in Illinois, the ICSA is dedicated to developing and advancing customer

service and assists industry professionals in meeting these challenges by offering educational programs, management development opportunities, and interactions among customer service management professionals; and

Whereas, today's high cost of attracting new customers further emphasizes the need to keep existing customers through effective service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim October 6-10, 1997, as CUSTOMER SERVICE WEEK in Illinois.

Issued by the Governor September 16, 1997.

Filed by the Secretary of State September 19, 1997.

97-531

DR. FRED HERZOG DAY

Whereas, Dr. Fred F. Herzog, born in Austria on September 21, 1907, has accumulated an enviable record of high academic and professional achievement; and

Whereas, in 1931, Dr. Herzog earned a Juris Doctor degree, with highest distinction, from the University of Graz in Austria. Four years later, he was appointed Judge for Lifefine by the Austrian Government, which he served until 1939; and

Whereas, some three years later, Dr. Herzog emigrated to the United States, where he was awarded a Fellowship by the American Association for the Guidance of Professional Personnel in recognition of his distinguished career in Europe. This fellowship provided him with the opportunity to study at the University of Iowa, where he graduated in 1942 with a Juris Doctor degree, awarded with high distinction; and

Whereas, Dr. Herzog moved to Chicago, where, after serving as editor-in-chief for legal services publications, he joined the faculty of IIT/Chicago-Pent College of Law and became Associate Dean of the college; and

Whereas, upon his resignation of the Deanship in 1972, Dr. Herzog was appointed First Assistant Attorney General of the State of Illinois. In arguing a number of cases of first impression before the United States Supreme Court, the Illinois Supreme Court and various Federal Courts of Appeals, Dr. Herzog's contributions to the legal affairs of the state have been far-reaching; and

Whereas, in 1976, he resigned this position and assumed the Deanship of the John Marshall Law School, where he could share his wealth of knowledge, his humanitarian spirit and his dedication to the city with aspiring young law students; and

Whereas, upon retiring from the Deanship in 1986, Dr. Herzog's formidable

impact on national and international legal communities and affairs was recognized with the bestowal of the degree of Doctor of Laws Honoris Causa;

Wherefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim September 21, 1997, as DR. FRED F. HERZOG DAY in Illinois.

Issued by the Governor September 17, 1997.

Filed by the Secretary of State September 19, 1997.

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issues 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issues 29 (July 15), Issues 42 (October 17), and Issues 1 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnata@atc.state.il.us (internet address).

Proposed changes in the administrative code are listed in the Issues Index by Title number, Part number and Issue number.

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